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VIEWS AND REVIEWS

We are glad to announce that, beginning with this issue, the "Review" resumes its policy of a full magazine each month with occasional technical supplements. We are grateful to you who supported us during the past nine months when alternate issues were much reduced in size. Your patience with us then has put us back on solid ground.

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Compulsory consolidation of the governments of Jackson county and Kansas City is provided in a proposal made by Judge W. T. Johnson of that city now under consideration by the Missouri Constitutional Convention.

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That unrest regarding our judiciary is growing as knowledge increases is indicated by the petition addressed to the same convention by the judges of Jackson county and Kansas City praying for the establishment of a judicial council to have supervisory powers over all the courts of the state. Creation of such a body has been advocated by Chief Justice Taft and conforms to the program of the American Judicature Society.

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For the third successive year the American Child Hygiene Association has issued a statistical report of infant mortality in cities of 10,000 or over. The report for 1921 is more complete than heretofore. 573 cities have been covered with a population 40,434,121. This is 94.4 per cent of our city population.

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An Analysis of 1921 Taxes in Nebraska doesn't sound very lively, yet if you want to see an extraordinary public financial document, write to Philip F. Bross, Secretary of Finance, Lincoln, Nebraska. The covers even are interesting. They carry colored charts showing how the average 1921 tax dollar was spent and how the state used its 19 cents of this tax dollar.

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During the summer county government reform was the subject of lively discussion in the following California counties: Butte, Fresno, Riverside, San Diego, Sacramento, Sonoma and Sutton.

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A Zoning Primer is the title of a little pamphlet issued by the Advisory Committee on Zoning appointed by Secretary Hoover. The government sells it for five cents and presents the case for zoning with a punch all too rare in public documents or private publications.

Nelson P. Lewis represents the

League on this committee and J. Horace McFarland the American Civic Association.

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The voters of Seattle recently rejected by a vote of almost three to one an initiated measure reducing street railway fares from 8⅓ cents to 3 cents. In opposing the measure a committee of the Seattle Municipal League pointed out that the 3 cent fare would add $5,325,000 in taxes.

The system is now self supporting on an 8⅓ cent fare and the picture of individuals riding at public expense was not attractive to the voters.

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Death of John A. Butler

In the death of John A. Butler of Milwaukee the League and the cause of good government generally loses a staunch friend and advocate. Cleaner municipal government had long been a cause close to his heart. For years an officer of the League he gave freely of his time and money to our work. He will be particularly missed in his home city where his high powers were appreciated. He was the organizer and first president of the Milwaukee City Club, and for several years was president of the Wisconsin League of Municipalities. He served without thought of material reward or worldly honors.

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What is a City Manager?

Among students of city manager government there exists some difference of opinion as to the exact sphere of a city manager's functions. How far should a city manager be drawn into matters of policy which may become political questions? Should he take the leadership in urging policies he favors? Should he permit such leadership to be thrust upon him?

Undoubtedly the public at large have varying ideas on this subject. Some city councils would make the manager their leader by transferring all initiative and responsibility to him. Others would reduce him to the level of office boy. What he will eventually become will depend upon how well the American people are educated up to the manager plan, which involves a new conception of executive functions.

Without further comment, then, we give you a few paragraphs from a recent letter to us written by one of the oldest and most successful managers.

I have found that the attitude of council toward the city manager depends entirely on the personnel of the council, and the individual understanding of each member of the theory of commission-manager government.

The councilman who is familiar with business methods, particularly corporation business, seldom shows any tendency to take the initiative, being content to pass judgment on the reports and recommendations of the manager.

The councilman who has not been trained in business methods is very apt to misunderstand or to forget the duties of the city manager.

It has been my experience that although the city manager is not supposed to have direct relationship with the citizens, a large portion of them seem to consider it an infringement of their rights if they cannot secure direct contact with the manager concerning any subject that may be of interest to them.

Whether the citizens continue to look to the mayor as the executive head of the city after the manager is appointed depends largely on the attitude of the members of council, and is usually a matter of education. If the members of council refer to the manager all questions brought to them regarding administrative matters, citizens seem very quickly to grasp the idea that the manager is the administrative head, and to learn that much time can be saved through the quicker action secured by taking up with the manager directly all such questions.

The Present State of National Economy and Budget Making

After directing the bureau of the budget for one year, General Dawes resigned on July 1 and was succeeded

by General Lord. During his directorship General Dawes was able to show considerable economies and savings, at least on paper, resulting from the utilization of supplies and materials. In a report issued on May 8 he estimated that these savings for the fiscal year 1922 amount to $250,000,000. This report was made in response to a resolution offered in the House on February 9 following requests by the president and the director of the budget for a deficiency appropriation of $180,000,000 to supplement the appropriations already made for the fiscal year. The estimated savings were (quoting from the report, p. 32) "accomplished under the new system of coördination through the use of surplus and excess materials and supplies transferred from the department where there is no present need for them to another department which has need for them, the saving to the government being considered the difference between the amount which it would have cost the department requiring such materials and supplies to purchase them in the market, and the amount which the holding department would probably have received had they been disposed of as unnecessary." That is, the estimated savings are the difference between the present prices, which are approximately 75 per cent of the original cost to the government, and the salvage value. Instead of a saving, this actually means a *loss* to the government of 25 per cent on the original cost, besides storage and other losses

Since General Dawes gave most of his time during the war to the handling of supplies and materials in France it naturally follows that he would emphasize this feature in connection with his budget work. But as large, if not larger, than the expenditure for supplies and materials is the expenditure for personal services. Yet, he said little or nothing about the latter. Perhaps, it was not politic in a change of administration to dwell on such matters. Upon the cessation of war activities thousands were, of course, dropped from the payrolls. But does this mean that some administrative reorganization and a careful study of the personnel of the government might not reveal several thousand more employees whose services are unnecessary? It is not likely that the director of the budget will receive much encouragement in making a study of the personnel so long as his chief assistants and advisors are representatives from the different spending units. These representatives may be willing to help locate surplus stores and to assist in transferring these stores to other departments, but they are not likely to be very enthusiastic about pointing out surplus employees in their departments. The bureau of the budget will have to build up a staff of its own before it can attack this problem and even then it must have the backing of the administration. That this would be forthcoming is not indicated by the present attitude toward the national reorganization program.

In a speech to the second annual meeting of the department executives on July 11 the present director of the budget, General H. M. Lord, makes the statement that the proposed expenditures of the current fiscal year will exceed the estimated revenues by $697,000,000. In order to prevent this anticipated deficit, he states that a departmental general reserve plan, as distinguished from the budget general reserve of last year, will be put into effect. Under this plan the department heads will have "under personal control through the year funds which are not mortgaged by actual obliga-

tions or approved departmental projects and will have available funds with which to meet unforeseen contingencies." It is very doubtful if such control when left entirely in the hands of the various spending departments will mean anything. Can we expect executives whose chief business is to spend money to curb themselves very much when they get the money? The office to maintain this control, if it is to be at all effective, is the comptroller general's office. If this office would establish and enforce a system of executive allotments similar to that in operation in Nebraska and Illinois there would be no deficiencies. So far this office does not seem to have accomplished very much.

In his speech referred to above, General Lord speaks of the preparation of the estimates for the next fiscal year and makes this rather naïve remark to the government executives: "May you approach your estimates with prayer and determination—prayer for intelligent guidance and determination to eliminate every nonessential and to restrict the essentials to the lowest point compatible with efficiency." Anyone acquainted with the habits of the "political animal" will not ponder long the ultimate effect of such a statement. In fact, General Lord shows that he doubts the efficacy of his own exhortation when he tells in the next paragraph what happened to the first unpadded estimate that he, in his innocent and guileless days, presented to Congress. He says he was like the man who habitually arrived home late from his club in a highly inebriated condition,—the first night he went home sober his dog bit him! "In submitting honest estimates," General Lord says, "you may be bitten, but it's worth it if the executive bureaus succeed by such a policy in rehabilitating themselves in the estimation of the congressional committees." We wonder how many of the executives will take a chance of getting bitten—just once. But wouldn't more investigation by a trained staff directly under the budget Bureau be more effective than exhortation in a real budget-making procedure.

A. E. B.
H. W. Dodds.

LIKE THE DEAD INDIAN: THE COUNTY

BY ROBERT M. GOODRICH

Executive Secretary, Duluth Tax Payers' League

SEVERAL years ago Richard S. Childs pointed out that, like the Indian, "the only theoretically perfect county was no county at all." Since that time many exploits have been made into the "dark continent," involving reform and consolidation, but nowhere has the question been seriously raised as to the county's absolute necessity.

It is not necessary to recall even elementary history to recognize that the complexion of the county has completely changed since its early establishment. Modern means of transportation and communication have reduced the county to relatively small proportions.

Even in those counties that exceed in area some of our sizable states, there is little justification for such a unit. In fact the utter lack of harmony in area seems to be a potent argument against the necessity for such a division. For example, Duluth is situate in a county almost as large as the state of Massachusetts, which contains fourteen counties.

If we were to forget that the county had always existed, and at some constitutional convention should be called on to urge the adoption of a division smaller than the state and larger than a city or township, the task would, indeed, be difficult.

Where city-county consolidation has been effected, the municipal characteristics have predominated and the county functions have been assumed with little difficulty. To go farther and divide all functions between townships, cities and states, thus eliminating the county, seems but a step removed.

Under such a plan the judiciary would probably remain unchanged, as counties and judicial circuits are not now coterminous in all states. The peoples' attorney might be elected as now in each judicial district, though it is probable that appointment by the state attorney would be preferable. The development of the state police would meet the problem of the sheriff. In fact the usefulness of many state forces have demonstrated their superiority in no mistakable terms.

Road building is rapidly becoming the most important service rendered by the county. With its development has come the development of state road building programs. Frequently county roads are built without plan or design. The combination of these two agencies would reduce overhead and would result in more comprehensive plans for the construction of roads. The increased scale of construction would undoubtedly result in decreased cost.

In many states education is now a matter of local and state control and the county is assuming no responsibility in this work. Such seems to be a logical and sufficient plan for directing educational activities.

Welfare work and poor relief should be handled by local agencies. Hospitals, reformatories and sanitoriums are, under present arrangements, greatly handicapped because of the smallness of the unit. A single county is rarely capable of supporting these institutions. Through the combination of districts under state direction, a much better system can be worked out.

Registry of deeds, land contracts, mortgages and other documents present a question not easily solvable. Probably the development of new systems of land registry will remove these obstacles, though possibly the local subdivisions can handle this work.

Coroners have already been thrown into the discard in some states. Minor engineering officials could be attached to the other departments. The remaining functions exist because of the county. The elimination of these departments would result in a great saving to the taxpayer. The cost of the services transferred to the state or the local subdivisions would remain about as they are. However, it may reasonably be expected that with the abolition of an entire governmental unit, greater interest would be focused on remaining divisions with greater effectiveness as the logical result.

Although it is recognized that these changes cannot be realized without years of consideration, the idea is presented simply to raise the question as to whether our activities in the county have not been surface scratches and that we have failed to dig down into the root of the problem.

A STEP TOWARD THE SHORT BALLOT

BY GEORGE C. SIKES

Chicago

Nebraska and Iowa have removed the names of presidential electors from the ballot. A resolution passed at our Chicago meeting last year urges other states to follow their example. :: :: :: ::

Nebraska and Iowa have pointed the way to their sister states of the American Union by which the size of the election ballot may be greatly reduced. In Nebraska and Iowa the names of presidential electors do not appear on the ballot at all. The voter merely indicates his choice for president and vice president of the United States. The names of the nominees for these two offices are included within a brace and are voted for together. A vote for particular nominees for president and vice president is counted for the appropriate set of presidential electors, selected in advance by designated party agency, whose names are on file with the secretary of state. Under the Nebraska and Iowa laws it is made the duty of the governor to appoint as presidential electors for the state the set of electors committed to the candidates for president and vice president who receive the popular vote on election day.

The plan provides for direct voting for president and vice president and gives in effect the same result that would be obtained were the federal constitution to be so amended as to require the election of these officials together by direct popular vote. Under the Nebraska and Iowa laws the electoral college still functions, of course, but the mechanism is kept in the background, so that the ballot is less cumbersome and the voter is less confused.

NO DOUBT AS TO LEGALITY

The legality of the procedure is not open to attack. The federal constitution provides that presidential

electors shall be appointed by each state "in such manner as the legislature thereof may direct." The power of the state legislature in the matter is plenary. Legislatures in the past have chosen presidential electors themselves, or have provided for their appointment. In Nebraska and Iowa the legislatures simply have prescribed that the governor shall appoint as electors a certain list of persons whose names are on file with the secretary of state. While Nebraska and Iowa provide for appointment by the governor, it has been suggested that other states adopting this general plan would improve upon it by vesting the appointive power for this purpose in the secretary of state. The duty imposed is ministerial in nature. The appointing power exercises no discretion. Mere ministerial duties are better delegated to an official like the secretary of state, who can be required by mandamus proceedings in the courts to perform a specific duty imposed by statute, which is not true of the governor.

BALLOT PHYSICALLY SHORTER

The purpose and effect of this plan, first used by Nebraska, is to shorten the ballot physically. It does not really lessen the number of elective officials. It merely removes from the ballot a cumbersome mechanism.

As Nebraska has eight presidential electors, the effect is to eliminate from the election ballot eight names for each party or group making nominations for president. The number of presidential electors for Iowa is 13. In larger states the number is higher and the shortening effect on the ballot of removing all nominees for presidential electors would be even more marked. New York has 45 presidential electors; Pennsylvania, 34; Illinois, 27. New York has a separate ballot for presidential electors. The one used in the 1920 campaign measured 17 x 19½ inches. It was slightly larger than the ballot bearing the names of candidates for state and local officers. The cost of this separate ballot for the entire state must have been several hundred thousand dollars. If New York were to leave the presidential electors off the ballot, as Nebraska and Iowa do, the names of the candidates for president and vice president could be printed on the ballot for state and county offices, thus saving practically the entire expense of the separate ballot.

The ballot used in Illinois in November of even years is disgracefully long—one of the very worst in the country. The Chicago voter at the November election of 1920 was handed a piece of paper measuring 28 x 36 inches. This is truly a blanket ballot. It is about the size of a baby blanket. Taking off the presidential electors would shorten this ballot physically by about a third. The money saving to Illinois taxpayers in cost of printing by the change probably would be over $100,000. Such money saving, however, is of trifling consequence in comparison with the benefits to result from liberating voters from the inconvenience and confusion that arise in the attempt to handle a large ballot quickly. The task of counting votes cast for individual presidential electors and of making returns thereof is an arduous one for election officials.

THE ILLINOIS BILL VETOED

An effort was made in the 1921 session of the Illinois legislature to follow the example of Nebraska and Iowa in removing presidential electors from the ballot. Representative Cruden offered a bill to that effect which was

extensively and carefully considered by legislators in conferences with the attorney-general. This bill was passed without a single dissenting vote in either house on final roll call. It was vetoed by Governor Small—too late in the session for a practical attempt to repass it over the veto. The reasons assigned for the veto seem trivial and unsound. Undoubtedly this matter will be pressed energetically again in the 1923 session of the Illinois Legislature.

Some states, notably Massachusetts and Minnesota, have long had an arrangement of the ballot whereby the names of presidential electors are printed in a box in small type and are voted for as a group. There is no good reason why a citizen should be permitted to vote for some presidential electors on one ticket and some on another. The voter at a presidential election is supposed under present conditions to be expressing his preference for certain candidates for president and vice president. It is absurd, therefore, to provide for a form of ballot under which voters may inadvertently defeat their own purpose, by dividing their votes among the electors of different parties. If presidential electors are to remain on the ballot at all, the only sensible arrangement is that in use in Massachusetts and Minnesota. All states would do well, however, to follow the example of Nebraska and Iowa and take presidential electors off the ballot altogether. The matter is one that might profitably receive the attention of legislative sessions of 1923, in preparation for the presidential election of 1924. Many political leaders who object to reducing the number of elective officials look with favor on the plan to shorten the ballot physically by removing the presidential electors. Therefore, success is not so difficult of attainment in this particular aspect of the short ballot movement. Except for the ill-advised veto of Governor Small of Illinois, this plan has not encountered serious opposition in any situation in which it has been discussed.

The National Municipal League, in its last annual convention held in Chicago in November, 1921, adopted resolutions asking that the legislatures of other states follow the example of Nebraska and Iowa in removing the names of presidential electors from the ballot.

GAINS AGAINST NUISANCES*

OVERHEAD WIRE CONSTRUCTION

S. A. RHODES

SCIENCE has contributed the telephone and electric power as important factors ministering to man's well-being. Industry and engineering skill have so reduced the costs for telephone and electric light or power service that to-day there is a very high development of these services throughout the United States. The benefits from them to our general public are greater than the costs, otherwise there would not have been this great development.

These benefits are secured at some sacrifice from the aesthetic standpoint

*ED. NOTE—Read at the annual meeting of the American Civic Association in Chicago, November 15, 1921.

in that we have with us the familiar telephone or electric light pole line. Just a few figures are interesting at this point to show why there are so many pole lines. In 1910 there were in the United States approximately 2,500,000 users of electric light and power and in 1920, 8,500,000 users. On the same dates there were approximately 8,000,000 and 18,000,000 telephones.

The telegraph service being much older and more established has not shown such great expansion in recent years, and the lines of the telegraph system are confined largely to lines between cities. In the average city the number of telegraph lines in the city proper comprises a very small proportion of the total overhead wire system.

NO RELIEF IN SIGHT FROM WIRELESS

In these days of wireless communication the question may arise in the minds of some as to whether any applications for wireless communication will be made which will tend to reduce the number of overhead wires. Wireless telegraph supplements to-day the wire telegraph service, and to some extent tends to decrease the amount of additional wire facilities required to meet the growth of the regular wire telegraph service. As to wireless telephone communication, it appears that there will be no development in local exchange service in cities and villages which will reduce the use of wire service.

In general, wireless communication is limited by the element of interference between simultaneous communications, and while such interference can be prevented to a certain extent, by methods now generally used, there is a limit to the number of simultaneous communications that can be carried on. Further, atmospheric conditions interfere at times, and it may be stated therefore that wireless telephone communications will not materially affect the overhead wire situation. Moreover wireless does not operate entirely without wires, since rather a prominent and conspicuous form of construction of overhead wires must be installed at the sending and receiving stations as a fundamental part of the equipment.

UNDERGROUND CABLES

At a certain point of high density of telephone development the large number of wires required for a restricted area can most economically be placed underground, and in our larger cities the density in the central business area is such that these areas are served by underground wires. In the less densely developed areas of a city only a portion of the wire mileage can most economically be placed under ground, as, for example, where a sufficient number of wires converge in their path to the central office to require the use of comparatively large cables, these then are placed underground. The number of wires along a given route becomes less as the distance from the central office increases. Any telephone cable may be divided into two portions, (1) the main or backbone section, in which the lines run through without branches to adjacent telephone subscribers and, (2) the distributing section or the portion from which the connection is made to adjacent subscribers by short lengths of open wire. It is this latter portion, broken up into small cable containing relatively few wires, which can most economically be placed overhead on poles and it is this portion with the attendant open wires which constitutes the bulk of the overhead telephone plant in the average city.

For example, in Chicago the back-

bone portion of the line wires contains 1,500,000 wire miles of conductor all underground, whereas the overhead portion contains only 100,000 wire miles of conductor in cable and 15,000 wire miles in open wire. In smaller cities the proportion of overhead conductor mileage is greater as the density of development per block or square mile is naturally less than in the larger cities. For example, Peoria, Illinois, with a population of about 100,000 has 24,000 miles of underground wires, against 13,000 miles in overhead cable and 1,000 miles in overhead open wires. A city of about 40,000 population, Decatur, Illinois, has about the same proportion as Peoria.

Expressed in percentages, the large cities in this country have about 90 to 95 per cent of the telephone wire mileage in underground cable ranging down to perhaps 60 to 65 per cent underground in cities of from 25,000 to 50,000 inhabitants.

Without these facts before them, few people realize the extent to which the total wire mileage of the telephone system is placed under ground.

OVERHEAD MILEAGE LESS CONSPICUOUS NOW

There is then only a comparatively small part of the telephone wire mileage overhead in the larger cities but nevertheless this smaller part is quite conspicuous. To place it underground would add tremendously to the cost of a telephone plant but there are tendencies from the standpoint of economy in the operation of a telephone system which are reducing the conspicuousness of the ordinary pole line.

In the first place, the use of aerial cable in place of individual open wires carried on poles on glass insulators proves economical to a greater extent under recent developments in cable construction than was the case some years ago. This has greatly reduced the amount of open wires on pole lines and will continue to further reduce the amount of open wire. A pole line containing only a cable with occasional open wires dropping off from the pole line to adjacent subscribers' premises is a much better appearing line than the old time line with two or three crossarms and twenty or thirty wires supported on these crossarms. However, there is an economic limit to which cable can be substituted for open wire and in the outskirts of cities where the density of telephone development is small, some use will continue to be made of open wire.

Further, another factor which has in many cases reduced the amount of overhead construction is the use of the same pole line jointly by the telephone company and the electric light and power company. This reduces the number of poles one-half. Such joint construction is practicable and desirable where proper limitations are observed on the part of the electric light company as to the character of the current used on its wires and proper separation is provided between power wires and the telephone wires. It involves somewhat higher pole construction but in general there is a marked improvement in the overhead appearance, compared with two separate lines, one for the telephone wires and one for the electric light wires.

COMPETITIVE LINES ADD TO OVERHEAD CONSTRUCTION

The presence of competitive telephone lines or competitive light and power lines on a given street or alley adds greatly to the overhead wire construction, since each system must maintain its complete overhead line plant.

The general tendency on the part of the public today seems to be towards urging the elimination of competing lines, and doubtless in cases where there are competing systems some plan will be worked out by which this source of overhead wire congestion will be ultimately solved in a way which will be satisfactory and which will reduce the amount of overhead construction.

The use of alleys or rear lot lines as a location for distributing pole lines is quite general. This eliminates the pole line from the paralleling street at frequently a considerable gain from the standpoint of interference by tree foliage and the attendant difficulties of tree trimming, and the street is left clear of wires. Many cities have no alleys in certain sections, but under such conditions the right to use the rear lot line for pole line construction can usually be obtained. Sometimes, however, the use of such private right-of-way cannot be secured through refusal of the property owners to grant the privilege. Such action on the part of these owners is detrimental to the general appearance of the immediate locality if the erection of pole lines on the street is made necessary on account of failure to secure the private right-of-way.

In some closely-built-up apartment house residential sections, overhead telephone wires can be economically placed on the rear wall of buildings or overhead construction avoided entirely by extending cable from basement to basement throughout the entire block. The matter of securing privileges for such construction is sometimes difficult, as it is, of course, necessary to secure the consent of the property owners for the installation of wires or cables in or on their property, which are used for telephones in other nearby premises.

We have been discussing subjects having to do with the improvement of living conditions in cities including improvements of an esthetic nature. Some gains can be secured without cost to the community, as, for example, the gains to be derived from city zoning, attained by planning in advance. Improvements which can be attained without cost deserve our most persistent effort for accomplishment. Improvements which place an added burden of cost on the community can only be worked out as our economic situation will permit. In the case of two services of such importance in our present day standard of living as the telephone and electric light or power, added costs for the services will bar more of our families of lesser means from the use of the services. Families so barred would have to put up with inconveniences which no doubt in their opinion would be of much greater weight than the objection to overhead wires. The complete elimination of overhead wires in cities is therefore not to be expected since below a certain density of development underground construction for the portion of the lines immediately adjacent to the subscribers served by the lines in question will always be more expensive. However, there are mitigating circumstances acting from an economic standpoint, as described in this paper, which are gradually reducing the number of wires on a given pole, and thus to that extent gradually improving the overhead wire situation.

CLOSING THE NEW ORLEANS "DISTRICT"

BY CLARENCE B. SMITH, JR.

National Institute of Public Administration New York Bureau of Municipal Research

PRIOR to 1917 the city of New Orleans enjoyed a considerable notoriety as a "wide open town," in some circles this impression still persists. The existence of the segregated district in New Orleans can be traced in part to the Latin influence which predominates there and to the fact that the city is the second port in the United States, with all of a seaport's social implications and problems. An added factor is also to be found in the year-'round carnival atmosphere of New Orleans, especially as this relates to the annual Mardi Gras, and the large numbers of pleasure seekers attracted by it.

With the advent of the war, however, a new element was introduced into the situation. It now became not merely a local but a national question. The Commission on Training Camp Activities requested the city administration to close the segregated district. The local authorities alleged that they were unable to do so; pressure from the secretary of the navy was now brought to bear, and the exodus from the district immediately began. Within a short time it had been completely deserted by its former occupants and reoccupied by negro residents.

With the passing of the war emergency, the activity of the commission naturally ceased, and the final solution of the problem was turned over to the municipal police force. The stage now seemed to be set for a return to an attitude of easy toleration. It soon developed, however, that the sentiment of the community had undergone a distinct change. The new order had found many friends in New Orleans who were unwilling to countenance a return to the old conditions. And so the policy of stern repression, first insisted upon by the federal government under the cloak of a war emergency, now came to be the policy of the city government also, even though the emergency had passed and the federal authority and influence had been withdrawn.

LAW ENFORCEMENT DIFFICULTIES

New difficulties now barred the way. Although the denizens of the segregated district had one by one deserted it, many of these departed only to reappear in other parts of the city. The segregated district was gone, but the problem of the disorderly house remained. It was soon discovered, also, that owing to a variety of causes, it was very difficult, and in most instances virtually impossible, to secure convictions in the municipal courts against proprietors and inmates. The police department thereupon had recourse to a Louisiana statute which authorizes the physical examination of suspected women and compulsory segregation and treatment for those who are found to be infected. While this practice served to take such individuals out of current circulation for varying periods ranging from a few weeks to a year, it did not destroy the traffic and entailed besides a considerable expense for the care and support of persons undergoing compulsory treatment.

It now became perfectly clear to the police authorities that generally accepted police methods were inade-

quate. No suggestions of novel and drastic methods being offered, the department was driven to place its reliance upon the practice commonly described as "strangulation." This method virtually constitutes a quarantine of all disorderly resorts and is effected through stationing a uniformed patrolman in front of the premises under surveillance. The most usual practice is to require the patrolman to warn all persons who are about to enter that the place is likely to be raided at any time. A less common feature, but one which has also been adopted in New Orleans, consists in securing the name and address of all patrons of the resorts which have been placed under quarantine.

The objections to this practice have all been fully discussed by police administrators. Indeed, it may even be conceded that the validity of such objections has been widely and generally recognized. The exercise of such extraordinary powers by patrolmen who are removed from the immediate and constant supervision of a responsible superior readily lends itself to police corruption of an especially objectionable nature. Surely nothing is better calculated to eat the heart out of a police force than partnership with commercialized vice. It is likewise true that the names and addresses secured from patrons are fictitious in the great majority of instances. Nevertheless, experience has shown that this practice of registration has a deterrent effect, even though the precise degree of its success cannot be accurately measured in every instance.

THE POLICY OF QUARANTINE

Certainly the results thus far obtained in New Orleans have amply justified the means there adopted. The first and most important step toward complete suppression was taken when the superintendent of police placed one of the police captains, in whom he had the greatest confidence, in charge of the vice squad. This captain was given complete assurance of hearty support from headquarters in the task which he was about to undertake. Particularly was he assured that transfers to and from the vice squad would be made strictly in accordance with his wishes. In consideration of this fact, he has been held strictly accountable for vice conditions within the city.

Owing partly to these assurances of support and to the clear delineation of authority and responsibility which was effected—owing partly also to the type of captain selected to command the squad and his qualities as a stern disciplinarian—the work of suppression soon showed definite and appreciable results. The disorderly houses and resorts are slowly but none the less surely being destroyed through a determination to discourage and harass them and their patrons. To this end frequent raids are made upon all places under police quarantine and the inmates held for physical examination. Prosecutions which are pressed in the courts also occasionally meet with success.

The vice squad is gradually being built up into a thoroughly dependable body through a process of natural selection. The system of rigid and unremitting inspection and supervision which has been adopted quickly reveals which members of the squad are disposed to laxity or to dealings with the interests which they are employed to combat. There has been at least one recent instance of a patrolman submitting his resignation from the force upon being notified of his transfer to the vice squad. The personnel of the latter is therefore continually

changing. But in spite of frequent transfers, the residuum of reliable members steadily increases. A number of these are men well past the prime of life who are perhaps best described as "family men." Though scarcely qualified for the exacting duties of circulating patrol, they are nevertheless very useful in the relatively lighter work involved in fixed post duty.

So much police activity has not of course passed unchallenged. Those interests which are most directly and vitally affected have employed every means at their command in an effort to secure even partial relaxation of the grasp which is relentlessly destroying a highly profitable enterprise. But headquarters has stood firm, and the proprietor of a disorderly cabaret, who nightly surveys a broad expanse of vacant chairs and tables in his establishment, alternately threatens and pleads in vain. The uniformed patrolman still stands just outside and in some instances inside the door, offering no interference unless and until the law is violated.

RESULTS SECURED

The day which will mark the passing of the last disorderly resort in New Orleans may still be far in the future. It would perhaps be too much to hope that a renovation so thorough as that contemplated can be accomplished without years of persistent effort. Some of the best informed of the local authorities are nevertheless sanguine enough to declare that before the close of the current year the police department will have stamped out all but the furtive and clandestine manifestations of an evil so ancient, so persistent, and yet so elusive when attacked, that public authorities have quite generally despaired of scoring any but the most minor and inconsequential victories over it.

In New Orleans, at least, the solution has apparently been found, not in a novel administrative device calculated to solve the problem out of hand, but rather in the wise and painstaking choice of the men to be held responsible. Tested by the results obtained and by a wealth of external and internal evidence, the method employed by the New Orleans police, though defective in some of its aspects, has proved far more successful than less hazardous and hence more acceptable plans which have many times been tried and found wanting.

THE RECENT SPOILS RAID IN WASHINGTON

BY H. W. MARSH
Secretary, National Civil Service Reform League

"When we see a lot of framed timbers, different portions of which we know to have been gotten out at different times and places by different workmen, Stephen, Franklin, Roger and James, for instance, and we see all these timbers joined together and see that they exactly make the frame of a house . . . we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning."—ABRAHAM LINCOLN. :: :: :: ::

THE general public has assumed for many years that the merit system as embodied in the federal civil service law was an accomplished fact. Although many people have grown to believe that it is not an unmixed blessing, practically no one thought that there could be any danger of its being swept away, either by executive action or by act of congress. It was therefore an extraordinary situation which led the National Civil Service Reform League to call a mass meeting in Washington on April 27 and it is worth setting forth in some detail the circumstances leading up to the call.

REPUBLICANS DIVIDED ON CIVIL SERVICE STANDARDS

The feeling which played so large a part in the presidential campaign of 1920 intensified the resentment of some of the new executive officials in being able to bring with them to Washington relatively few of the men who worked with them during the political campaign. Nor did the tremendous majority by which the Republican party was swept into power serve to lessen this resentment. A typical example of it is found in a letter written on May 14, 1921, a little over two months after he took office, by the secretary of labor, James J. Davis, to Congressman Will R. Wood, concerning a bill then pending in congress. In this letter Secretary Davis said:

> My efforts in trying to increase the efficiency of this department and in making it more quickly responsive to changed conditions and to new economic problems have driven me to the conclusion that the classified service embraces too large a per cent of all the personnel of the department. From present experience I am inclined to the opinion that as the responsibility and discretionary powers of a position increase there should be less of the classified service. To illustrate: I find that all assistants to heads of bureaus and chiefs of divisions are under the civil service. Many positions in importance equal to bureau chiefs and division heads are so covered, which makes it utterly impossible for the head of a department to readily impress upon the service his own ideas or to work effectively much desired reforms. It seems to me that when a position gets into the field of policy-determining matters that it should no longer be within the classified service but should be left open for appointment of individuals in harmony with the policies of the responsible head. I have on my desk a number of letters from members of the Senate and the House, complaining about the fact that they have observed no change in the conduct of certain activities in my department since there has been a change in administration. The simple fact is that I am powerless to enforce changes which I desire because I am powerless to put in charge of these places individuals in sympathy with such changed policies. I say this without any reflection upon those in

charge of the offices. For years they have traveled a certain course, their minds have gotten into a certain routine, into a certain line of thought. They approach the questions from an angle as definitely established as the poles, that in spite of their desire to co-operate they find themselves unable to get out of the rut.

This feeling of resentment was communicated to some other heads of departments by the political workers back home who were talking against the civil service system. Everyone who was in touch with government affairs in Washington believes that a repeal of the civil service law was a practical impossibility. Such action could only result in the complete defeat at the next election of the political party responsible for such repeal. The strongest argument which could be made against the civil service system was to allege that it had gone farther than it was ever intended to go and to try to make out a case which would show that the carrying out of policies which had been determined upon by the vote of the people at the last election was endangered, if not made impossible, by preventing the new administration from selecting its own employes, particularly those for higher positions, with a free hand.

With such men as Hughes, Mellon, Hays and Hoover in the cabinet, however, encroachments on the classified civil service did not progress rapidly. But in December, 1921, there appeared upon the horizon a gentleman from the far west, formerly from Ohio, one Elmer Dover. Mr. Dover had formerly been a newspaper reporter and editor and latterly a business man and always a politician. From 1897 to 1904 he was secretary to the late Mark Hanna. He was secretary of the Republican National Committee from 1904 to 1908, and for many years was one of the most active Republican workers. Mr. Dover was selected to be assistant secretary of the treasury in charge of the customs and the internal revenue services. The important thing about Mr. Dover's connection with the administration at Washington is that he let it be generally known that he had come there to "Hardingize" the service. Soon after his arrival changes began to take place. Not only changes among the employes outside the classified civil service, but also changes in positions *in* the classified civil service. Investigating committees were appointed by Mr. Dover to look the service over and to see in what ways the existing organization of the customs and internal revenue services was apt to interfere with the carrying out of the "policies" of the new administration.

The next alarming symptom of the state of mind of members of the official family occurred on March 6, 1922, when Attorney General Harry M. Daugherty appeared before the Appropriations Committee of the House of Representatives with regard to an appropriation bill for his department and the department of the treasury. Apropos of appropriations for personnel he said:

I do not speak for the administration, but I am giving you the benefit of my observation and judgment, about which I have no doubt, and I am thoroughly convinced that the civil service is a hindrance to the government. I would rather take the recommendations of a political committee, either Democratic or Republican, a self-respecting committee, for the appointment of a man or woman than be compelled to go through the requirement of the civil service to secure an employe.

THE TEMPEST IN THE BUREAU OF ENGRAVING

And finally on March 31, 1922, President Harding issued an executive order affecting employes in the bureau

of engraving and printing. This order dismissed the director and assistant director of the bureau of engraving and printing. It affected altogether *31* offices in the bureau and dismissed the incumbents "for the good of the service." New offices similar to the old ones, but with slightly different titles, were created, and the director of the bureau was authorized to fill them.

Although President Harding must and does accept full responsibility for this order he probably never would have taken just this action if he had had more competent advice.

THE LAW VIOLATED

Three of the positions listed in the order as among those abolished were created by act of congress. The act of August 24, 1912, known as the Post Office Appropriation Act, carried a rider which put into law what had formerly been a rule of the United States civil service commission, requiring that no person in the classified civil service could be removed except for cause and that the person whose removal is sought should have notice and be furnished with a copy of charges preferred against him and be allowed a reasonable time for personally answering the same in writing. The constitution and federal statutes have always been construed as limiting the delegation of the power of appointment by congress to heads of departments. In the case of employes of the bureau of engraving and printing the power of appointment had been delegated by congress to the head of the department, the secretary of the treasury. The president's order attempts to give the power of appointment in these special cases to the director of the bureau.

It seems, therefore, that three separate statutes were violated in the issuance of the president's executive order of March 31; first, in that statutory positions were abolished, second, in that removals were made without furnishing to the persons removed a statement of charges preferred against them and giving them an opportunity to reply, and third, that the power of appointment was delegated to the director of the bureau of engraving and printing.

THE CRUELTY OF THE DISMISSALS

But the striking thing about the issuance of this order is the cruelty of its effect. The provisions of law which seem to be violated by the order could easily have been complied with and the same effect accomplished. The employes concerned might all have been suspended in accordance with the civil service rules pending the filing of charges. In the act of suspension a statement of reasons furnished to the employe is not required. The abolishment of any position and the immediate creation of new places with similar titles is in itself foolish and unnecessary. The manner in which the order was carried out has placed a stigma upon the employes concerned. They have not only lost their positions but also their civil service status, so that it is impossible under the existing situation for them to secure re-employment under normal civil service procedure. All the employes concerned were prevented from having any knowledge as to the impending changes, none of them knowing until the evening of the issuance of the order the fact that such a move was contemplated. They state that they do not know to this day why they were removed. It has been difficult and in some cases impossible for some of them to secure employment anywhere because of the shadow cast upon

their separation from the government service.

In reply to formal protests from the president of the National Federation of Federal Employees and other representatives of the employes removed, the president on April 5 wrote that the changes made at the bureau were ordered after extended deliberation and that the action taken was not intended to impugn anyone's character. He stated, "In the circumstances which were presented to the executive at the time of taking this action, it seemed apparent to me then, as it does now, that no action less sweeping than was taken would give complete assurance of the full protection of the government's interests." The president then goes on to express his regard for the civil service law and says that if there is anything to prevent the action taken "such an inhibition on the powers of the executive ought to be made very clear to congress, to government employes, and to the American public." No other explanation of the order has ever been given out by the president.

OTHER ATTACKS ON THE CLASSIFIED SERVICE

In the midst of the discussion of the removals in the bureau of engraving and printing, John H. Bartlett, First Assistant Postmaster General, who had served eight months as a member of the United States civil service commission before he came to the post office department, entered the fray. On April 10 he issued a statement to the press through the publicity channels of the post office department. In this statement he said the original sponsors and founders of the civil service system cited $1,800 as the maximum salary to be included under the examination system. He mentioned Senator Morrill of Vermont as one of these leaders in the movement. Governor Bartlett then went on to complain of the fact that the advocates of the civil service system have reached higher and higher officials "until now . . . it reaches those who are paid as high as $5,000." He said, "It is exceedingly difficult to draw the line where civil service should stop its attempt to reach the higher officials, but would seem to be reasonably sound doctrine that in a government by the people, when a new administration comes in with a fresh mandate from the people to carry out certain policies it should have the privilege, in fact, a perfectly free hand, to select all those higher officials to whom must be entrusted administrative policies and executive discretion." He went on to say that a new administration in order to accomplish great reforms must surround itself with administrative and executive officials in sympathy with these reforms and policies.

In a conference which a committee of the National Civil Service Reform League had with the postmaster general, Dr. Hubert Work, who succeeded Will Hays in that office on March 4, 1922, Dr. Work expressed the opinion that the examination held for the selection of presidential postmasters should be removed from the jurisdiction of the civil service commission and that the post office department should hold its own examinations for these places. In answer to a question whether this would not result in political appointments, he said that this was the result under the present practice. Dr. Work stated that all other things being equal, he would always select a Republican if he were among the first three.

"FRAMED TIMBERS"

It was in the face of such statements of public officials that the officers of

the National Civil Service Reform League felt called upon to make a public protest against what seemed to be an organized drive to seize certain higher places in the competitive classified service and to use them for the spoils system. This they did at a mass meeting in Washington on April 27. Mr. Foulke, in an address on this occasion, aptly described the alarm felt by the friends of the merit system by reference to an incident in the earliest days of the Republican party. He said he was reminded of the occasion when Stephen A. Douglas had secured the passage of the Kansas-Nebraska bill to leave the people of the territories free to admit or exclude slavery, subject only to the constitution. The Dred Scott case had been argued before the supreme court of the United States and the decision of the court had been postponed pending election. James Buchanan, a pro-slavery man, was elected to succeed Franklin Pierce, and in his inaugural address he had urged the people to abide by the forthcoming decision, whatever it might be. In the decision Chief Justice Taney declared that congress had no power to exclude slavery from the territories. When Lincoln addressed the Republican convention in Springfield on June 16, 1858, in discussing the relation between this decision and the Kansas-Nebraska bill he had said:

> When we see a lot of framed timbers, different portions of which we know to have been gotten out at different times and places and by different workmen, Stephen, Franklin, Roger, and James, for instance, and we see these timbers joined together and see that they exactly make the frame of a house or a mill . . . in such a case we find it impossible not to believe that Stephen, and Franklin and Roger, and James all understood one another from the beginning and all worked upon a common plan or draft.

Commenting upon this bit of history, Mr. Foulke said that today we found the same thing in regard to a wholly different subject—the civil service. He referred to the order dismissing the employes of the bureau of engraving and printing and to the statements of Messrs. Davis, Daugherty, Work and Bartlett quoted above. He mentioned the paean of joy pronounced by Congressman Williams when Mr. Hays left the post office department, and the declaration of Senators New and Moses that Democrats should be replaced by Republicans because they were Republicans. And summing it all up he said:

> "When we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen" by Daugherty and Williams and Work and Dover and New and Moses and Bartlett and others, "and when we see these timbers so joined together that they exactly make the frame of a house or a mill" we find it impossible not to believe that these gentlemen all understood one another from the beginning and all worked upon a common plan.

The argument of Governor Bartlett, who spoke at the meeting, was in the main a bitter personal attack against the officers of the League and a vituperative insistence that executive officials must be surrounded by persons in sympathy with the policies of the new administration.

MR. DOVER AND THE CONGRESSMEN'S PETITION

Soon after the League's meeting Secretary Mellon of the treasury department appreciated the extent to which Mr. Dover was "reorganizing" his department, and he promptly called a halt. A serious "difference of opinion" developed between Mr. Dover on the one hand and Secretary Mellon and Commissioner of Internal Revenue Blair on the other hand.

The trouble grew so serious that about the middle of June Republican members of congress signed a petition endorsing Mr. Dover, which petition was formally presented to the president by Congressman James T. Begg of Ohio. At the same time the petition was being circulated there appeared upon the desks of Republican members of congress a so-called "Survey of the Personnel of the Bureau of Internal Revenue." This survey, of mysterious origin, contained a list of alleged Democrats holding so-called key positions in various parts of the treasury department. It was published in the newspapers and very promptly a number of the persons who were called Democrats made public statements indicating clearly that they had always been Republicans. A large majority of the employes listed held positions in the classified civil service and could not be removed without charges and an opportunity to make reply.

The whole matter culminated in the resignation of Mr. Dover, which was submitted to the president to take effect on July 15. The president in announcing the submission of Mr. Dover's resignation said that the resignation was because of the fact that Mr. Dover was not in sympathy with all the administrative policies of the treasury department.

Whether or not the drive on the classified civil service has been permanently checked with the resignation of Mr. Dover remains to be seen. It is certain, however, that Mr. Dover's resignation has had a salutary effect upon the entire government service. It is hardly conceivable that in the face of public sentiment expressed by editorial comment the country over any other administrative official will be quite so bold in making places for "the faithful." It is also of interest to note that there has been a marked lessening of pressure on the part of members of congress, or heads of departments and on the civil service commission, to secure places in the government service for worthy constituents.

THE NEXT STEP IN THE ORGANIZATION OF MUNICIPAL RESEARCH

BY CHARLES E. MERRIAM
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THE most casual observer must be struck by the progress made in the study of municipal government during the last fifty years. Prior to the Civil War city government was scarcely a subject of systematic discussion, except in isolated cases. When the corruption of cities was exposed in the period following the war, the first reaction of the public was not in the direction of systematic study of the fundamental causes of misgovernment, but there was a general demand for the processes of the criminal law, for the awakening of the slothful civic conscience, for the political overthrow of the "bosses." Tweed, the incarnation of the "System," was thrown into jail. Many other minor Tweeds have been attacked with varying degrees of success for a generation. In fact this battle still rages through the land.

The study of municipal government began with the formation of the Conference for Good City Government in 1893. This later took the shape of the

National Municipal League (1894). The meetings, conferences and publications of this organization afforded an opportunity, hitherto lacking, for interchange of personal experiences, programs, methods; and finally led to the formulation of certain common aims in a model charter. The significance of this body for the practical improvement of city government can scarcely be overestimated. It represents a remarkable combination of democratic enthusiasm and practical judgment which has had no counterpart either on a local or national scale. The League has presented a fine type of intelligent, persistent, democratic organization directed toward the improvement of the structure of city government, as well as the strengthening of civic interests and ideals.

In 1907 began the development of special bodies for the more detailed study of municipal problems in a more technical way than was possible for the League. The pioneer in this field was the New York Bureau of Municipal Research, closely followed by similar organizations in Chicago and Philadelphia and a score of other cities.[1] These institutions rendered and are still giving excellent service in their special fields. In the reorganization of systems of accounting and reporting, in the standardization of contracts and methods of purchasing, in developing budget procedure, in directing attention to the problems of municipal personnel and organization especially on the administrative side, these agencies have done much for American city government. In more recent years the formation of the Government Research Conference, offers promise of fruitful cooperation on the part of these industrious bodies. These activities are largely although by no means wholly confined, however, thus far, to questions of accounting, finance, or organization in the narrower and more technical sense of the term. They have not usually become agencies of comprehensive municipal research. However, in the specific field to which they have been thus far committed their great usefulness continues to be unquestioned. Students of government, public officials and citizens generally owe them for much in the way of practical and technical progress.

In the meantime, many other agencies have arisen in the municipal field, designed for information or action, or for both. The temporary committees of citizens brought together for emergencies have often become permanent city clubs with a social basis and motive. No city is without one or more of these organizations. Nation-wide organizations such as the National Tax Association, the National Civil Service Reform League, the National Conference of Social Workers, the City Planning Conference, the Chamber of Commerce of the United States, the National Real Estate Board, have undertaken important municipal work, and others have begun to deal with various aspects of the local problem. Community Trusts and other "Foundations" have begun to deal with some of the problems of the municipality. Bureaus of municipal research or reference have been established in many educational institutions.[2]

The Institute for Government Research, the Institute for Public Service, the National Institute of Public Administration have recently been organized for research and training purposes. Professional societies of different types have also begun to take a specific interest in the urban question, as is seen in the case of the account-

[1] See the analysis of these bodies in G. A. Weber's *Organized Efforts for the Improvement of Administration.*

[2] See Munro's *Bibliography*, 356–66, 389 for lists, down to 1915.

ants, the engineering societies, the sanitarians, the public utility groups, and the numerous leagues of various classes of city officials from general to special. I am not attempting to catalogue these agencies here, but only to call attention to various types in which municipal interest plays an important part. In fact the number of inquirers and their overlapping inquiries are sometimes a source of confusion. Not even the useful services rendered by the Public Affairs Information Service and the indices of various journals are able to clear away the smoke entirely.

Notwithstanding these organizations and their activities, there are still great gaps in systematic municipal information and still larger voids in thorough-going municipal research of a scientific character. The list of essentials in systematic information is still large, but in view of the fact that more than half of the population of the United States is classed as urban, it ought not to be difficult to obtain these fundamentals, if there is effective coordination and organization of effort.

Types of Municipal Research

I suggest the following examples of significant types of municipal research.

DIGESTS AND REVIEWS

1. A comprehensive and comparative study of the fundamentals of municipal structure, including the principal cities of the United States. This has been partially done in such publications as the charter digest prepared for the Chicago Charter Convention of 1905, the various constitutional convention bulletins, in the census bulletins, in treatises like that of Clute; but it still remains an uncompleted task.

2. An annual digest and review of important charter changes, whether in the shape of action by local charter-making bodies, or by state legislatures in the form of general or special laws, or of constitutional amendments. The statutory changes in the various states of the Union were recorded in the New York State Library bulletins for many years, and proved of the greatest practical value to those concerned with city government.

3. A continuing study of the practical operation of the different types of organization. An example of this is the detailed study of commission government once made by the New York Bureau of Municipal Research, and published by Mr. Bruere under the title of *The New City Government*. At present there is no impartial agency employing skilled investigators for the purpose of procuring objective reports upon the actual workings of various types of municipal institutions as they develop. Hence we are at the mercy of observers whose training and bias may render their information of dubious value. Some of the most important experiments ever undertaken in the history of democracy are being carried on with scarcely any skilled observation or adequate record.

4. A survey of municipal functions, such as fire, police, health, parks and public welfare, public utilities, zoning and planning, with a periodical revision of such a survey. Fosdick's studies of police systems are examples of what might be done for all branches of city government. These studies if carefully and impartially made, and kept up to date, would be of the very greatest value to those who are concerned with municipal government.

5. An annual digest and review of municipal ordinances in the principal cities of the United States, and also of

the state laws having primarily a local effect. Various types of ordinances are collected and reviewed by different organizations, but these are often incomplete in the special field, and are wholly inadequate for the general field. We are consequently left without an index of the great mass of municipal law made every year by our busy ordinance and law-making bodies.

STATISTICAL DEVELOPMENT

It should also be possible to develop the statistical service of American cities very largely and with very good results. We have no annual year book of the type seen in the British Municipal Year Book or that of Canada; nor do we have anything to compare with the *Statistisches Jahrbuch deutscher städte*, and similar publications in France and Italy.[3] Financial statistics are now covered by the Federal government and by a considerable number of states. In this direction great progress has been made in recent years. In 1905 when Dr. Fairlie and I undertook an analysis of the revenues of Chicago and in that connection undertook to obtain certain comparative figures we encountered difficulties which are now readily solved.

Operative statistics of cities are still extremely imperfect, and are open to very material improvement. There are very large gaps in the publication and assembly even of the most usual types of statistics, such as election figures, criminal and judicial statistics; and even vital statistics are incomplete in many respects. Some of the larger cities publish statistical compilations, as in New York, Boston and Chicago, but even these are scarcely comparable with the statistical studies of London, Paris and Berlin. In many cities almost no figures are available. Significant progress might be made by the enlargement of the scope of our city statistical data to cover already standardized forms and types which are lacking here. The advances made by the United States government and the governments of a number of the states are of great importance, but they still leave us far behind in the work of systematic compilation of statistical matter.

Beyond all this, however, there is need of careful study of the question, to what extent and in what directions quantitative measurement of municipal operations is possible, useful and feasible. Are there not fields in which without too great expense we might obtain data of the greatest practical value for the government of cities? Are the very meager figures we now possess the best that scientific study can supply in the twentieth century? Clearly "municipal statistics" is not a fixed quantity, but a developing instrument of observation, growing with the growth of scientific observation and analysis. Almost any extensive inquiry into expansion of municipal transportation, city planning or zoning discloses very quickly the lack of great masses of statistical information and analysis which it is quite possible to obtain and which when found are of great practical usefulness. What we really know about the life currents of our municipalities appears to be only a small fraction of what we might expect under a well organized system of statistical observation.

For the purpose of broadening the scope of such statistical inquiries the cooperation of a number of officials, observers and students would be of great value. A committee of persons interested in the scientific and practical possibilities of municipal statistics could in all probability assist very

[3] See Fairlie on "Comparative Municipal Statistics" in his *Essays*.

greatly in the collection and analysis of those significant municipal facts upon which we rely more and more for the intelligent ordering of our communities. Of course no one expects a magic rule to rise from the maze of figures. The "mystic numbers" have lost their sway over us. But every responsible official and citizen appreciates the far-reaching value of a solid fact basis in the development of municipal policy and administration.

It is probable that the Federal government might be persuaded to make broader schedules of inquiry, if the request was based on the thorough and mature inquiry by persons familiar both with the problems of cities and the technical aspects of statistics. The cooperation between the Federal government and the accounting officials of cities is an interesting case in point, showing the large possibilities of advance in this direction. The financial statistics of cities have developed in twenty years from chaos to something more nearly approaching an organized system. It seems entirely feasible to make equally great advance in other statistical areas.

SURVEYS AND ORGANIZED RESEARCH

Beginning with the Pittsburgh Survey in 1910, many similar studies in the social and economic organization of cities have been made throughout the United States. These are not of uniform value, but taken together they constitute a very valuable source of information regarding the phenomena of municipal life. They have gone below the forms of government and law into the environment and these social forces without which the process of political control cannot be intelligently considered. Many of these inquirers are obviously groping for an adequate methodology, sometimes with relatively crude results, but they are advancing continuously and they are assembling great masses of material which cannot be ignored in any scientific study of the urban problem on its governmental side. Their findings contain many flashes of insight into the inner workings of municipal forces. Many other inquiries made by the sociologists in the course of their studies are of great value to students of government, in that they describe and interpret the fundamental forces conditioning the action of the government. Likewise the organized agencies dealing with the special and practical problems of poor relief in the broader sense, or with medical relief or the protection of children more specifically, are making available many important data regarding the basic conditions of urban life and conduct. They pass from the realm of general theory to the specific problem of the individual case study. Masses of facts are being compiled in zoning, planning, housing and transportation studies, but much of the material is lost for local use even, to say nothing of more general utilization. Private associations are also making intensive studies of urban characteristics, tendencies and growth, notably the inquiries of the telephone, gas, electric lighting and traction companies. The real estate boards, the fire insurance companies and other commercial enterprises are finding it profitable to use the technique of social science in the practical conduct of their affairs.

NO CENTRAL INTERPRETING AGENCY

There is no central coordinating agency available for the purpose of interpreting and applying this mass of facts and conclusions to the problems of municipal government in the broader sense of the term. The Sage

Foundation, it is true, exercises a general supervision over the types of inquiry termed "surveys" and has done very useful work in this capacity of standardizing and aiding inquiry. Yet there is no adequate central clearing-house for interchange of information, and for mature analysis and interpretation of all the various types of data collected. Perhaps no such central agency is possible or desirable, but is it not worth while considering whether some more effective device for interchange of information might be developed than we have at present? Even without a central agency it would of course be possible to maintain a general committee or commission for the purpose of such coordination and cooperation as is possible under the circumstances.

MUNICIPAL BEHAVIOR

Beyond all this compiling and digesting and reporting of municipal facts, and studies of a socio-political character, lies the deeper question of the scientific study of municipal behavior—a problem of political and social psychology on which we have little light down to this time. We have, to be sure, the off-hand psychology of the political practitioner which is not to be despised, but which is not comparable with the scientific results of accurate observation and conclusion. An objective study of the characteristics and reactions of urban populations, of the genesis of these tendencies, of their strength and weakness, of their modes of training and adaptation, should throw much light on the problem of modern city government. There is no magic formula to be found, no occult force to be sought out and applied for the immediate and permanent relief of all the ills the body politic is heir to. However, there might be scientifically based conclusions which would be of the very greatest value in elementary political education, in adult information and cooperation, in structural and administrative agency and appliance, in facilitating that invention and discovery which should be characteristic of the modern city, itself so largely the product of scientific discovery and mechanical appliance.

Many of the situations in urban government should be studied with the very greatest minuteness and care without special regard to immediate results. We need the opportunity for detached inquiry which may yield little at first and perhaps for some time seem to be relatively unproductive. The emergencies of municipal life are so urgent in their demands and the workers are so few that we have thus far been unable to make on a sufficiently large scale those thoroughgoing intensive studies without which fundamental results may not be obtained.

We may say that municipal research is just beginning. We need not look forward to the government of our cities by scientific observation and calculation, but we may assume that cities will be more effectively governed when scientific observation and analysis is more nearly complete than at present, and when its conclusions are more seriously considered by the governing bodies of municipalities. It may be said that we have not yet applied the precepts of experts in politics and administration respecting structure and procedure of government in cities. Yet it may be reasonably argued that one of the reasons why the counsels of political experience and prudence are not more readily taken up is that we do not yet fully understand the processes of social and political control conditioning public action. Many of the aspects of urban govern-

ment are in large part phases of political psychology, or as is sometimes said of "human engineering," but political and social scientists have not down to the present time attacked this problem with even a modicum of success. Until this is done the full harvest of municipal research cannot be reaped. We are only gleaning a sheaf here and there.

SIGNIFICANT TOPICS

Of great significance in the process of urban government are such topics as: the relation between mobility of population and the governmental problem; the detailed analysis of the characteristics and tactics of leaders, bosses and reformers; the technique of political propaganda; the quantity and causes of non-voting in cities; the relation of social groups to the government of cities; the position of technical science in city government. I cite these only by way of illustrating some of the parts of the field of municipal research in which relatively few inquiries have been made, but which are intimately related to the governing process in the community. They may not result in immediately measurable "savings" or results, but they may lead to a more intimate understanding of the workings of the political side of human nature out of which may come betterments on no inconsiderable scale. And, after all, fundamental research, whether in natural science or social science, cannot be conducted on the basis of always obtaining immediately measurable results. Farm and factory have found it useful to maintain research apparently remote from results, but which in reality has multiplied a thousand fold the productivity of field and machine, and added to the control of man over nature's forces. The intensive, persistent, experimental, inventive, contriving and constructive spirit has its place in the domain of human nature and social and political process as well as elsewhere. That "human nature" stands in the way of urban progress; that no finer types of citizens can be produced; that no better forms of coordination and cooperation can be obtained—these are not the counsels of the modern creative intelligence which is transforming the world almost as if by magic.

Government does not consist in charters, ordinances and rules merely, but in the habits, dispositions, wishes, tendencies of the urban population. In the thorough understanding of these factors and in the knowledge of how these traits are developed and how they may be modified, educated, trained, how they may be induced to coordinate and cooperate lies a great opportunity for the development of the most thorough kind of fundamental municipal research. Of course it is not to be presumed that knowledge of municipal behavior can precede the understanding of human behavior; or that we can understand the political or the urban without regard to the economic and the social. But the students of governmental problems and processes may make their contribution to the general progress of science at this point.

There are fascinating possibilities in municipal research that begins the development of genuinely scientific method, and is more closely related to such representatives of applied science as the engineers, the psychologists, the statisticians. The great and pressing claims of political education, the urgent claims of practical prudence in dealing with city affairs need not and must not be minimized, but the demands of fundamental research and science have also their deep, if less clamorous, ap-

peal to those who take what Bryce has called the "long look" forward.

CONCLUSIONS

My conclusions are, then:

1. The urgent necessity of providing for a series of digests and reviews, covering the obvious facts of municipal structure and operation at least as adequately as legal information is now supplied to the lawyer.

2. Continuing study of the practical operation of the many experiments in municipal government now in process. For this purpose more trained observers, more accurate methods of observation, and greater coordination of workers is needed.

3. The closer and more systematic study of municipal statistics with a view of filling in the evident gaps in our information, and further of covering more completely those phases of municipal life that are susceptible of quantitative measurement and useful for purposes of municipal organization and control.

4. The better coordination and organization of the now scattered studies of municipal phenomena being made by students of sociology, economics, and politics.

5. The development of fundamental municipal research involving the understanding of the urban political process, itself a part of the larger social and economic process. We need a thorough understanding of the habits, dispositions, wishes and tendencies of the urban population, of how their traits are developed and how they are and may be modified, educated, trained and fitted into institutions and organizations of government.

We need not apologize for large requests of men and money to carry forward the study of cities, for half our population is now urban; and the urban institutions and ideals are likely to be dominant in the next generation. America's cities will be increasingly influential in determining America's policies, in fixing the American standard of government. There are times when imagination is more important than moderation, and this is one of them. We need not stammer or stutter when we speak of the needs of our urban communities and ask for reasonable application of the creative human intelligence which has made the physical framework of the city, to the further problems of its organization and control.

THE DIRECT PRIMARY IN TWO STATES

The nominations of Beveridge and Brookhart have been generally discussed from the political standpoint. These articles are different. They are appraisals of the primary by two trained observers on the ground at the time. :: :: :: :: :: :: :: ::

I. THE IOWA PRIMARY INTERPRETED

BY JOHN E. BRIGGS
University of Iowa

THE direct primary is based on the assumption that political democracy is a good thing, that the consent of the governed should be obtained as directly as possible. There are probably few people in the United States who would restrict the participation in government to a small governing class—a group of professional bureaucrats. On the contrary no one would seriously advocate absolutely pure democracy—the country is too big and the people are too busy. But between these positions there is every shade of opinion, from the restriction of suffrage by many qualifications to the use of every method of popular control. The tendency in this country has been in the direction of more democracy, and the direct primary is one of the instruments of that democracy. Whether the primary shall be considered a success or a failure depends ultimately upon whether a majority of the people will retain their faith in the ability and willingness of the voters to choose public officials intelligently or whether they will decide that this function should be performed by a few wise men.

The nomination of Smith W. Brookhart in the Iowa primary as the Republican candidate for United States senator has been widely heralded as an expression of a nation-wide reversion to progressivism, not only because Brookhart has liberal ideas and represents particularly the interests of the laboring classes, but because the primary, which has been regarded as a manifestation of the progressive movement, was the means of his success. The election in Iowa revealed a distinct cleavage between liberal and conservative Republicans. As a rule the conservatives have been inclined to condemn the primary and the liberals to praise it. Those who opposed Brookhart are apt to claim that the primary is a failure while his supporters declare that the result is a vindication of the primary election as an instrument of democracy. But one swallow does not make a summer. Neither should the direct primary method of nominating candidates for public office be judged by a single incident.

THE PRIMARY UNDER ATTACK

Ever since the Iowa primary election law was enacted in 1908 it has been the subject of criticism, some of the objections being directed against the primary as a method of nomination and others against the operation of the statute. In 1920 and again this year the attacks seem to be more vigorous and determined than usual.

There are some voters in this State who advocate repeal of the whole system, but probably the great majority favor some form of direct primary though they might welcome amendments to the present law.

The principal alleged faults of the Iowa primary are: (1) it entails too much expense, (2) the number of voters who participate is so small that the nominations are not true expressions of party opinion, (3) the requirement that a candidate must receive 35 per cent of the total vote cast for an office enables a minority to determine the nomination, (4) if there are more than two candidates for an office the 35 per cent requirement makes nomination by convention almost certain, (5) the members of one party participate in the selection of candidates of another, and (6) the party loses responsibility for nominations that are made in the primary. The Republican senatorial primary in Iowa last June throws some light upon the validity of these objections.

CAN ONLY THE WEALTHY AFFORD IT?

One of the most common criticisms of the primary system is that the cost of conducting two campaigns eliminates persons of moderate means—only the wealthy can afford to run for public office. The Iowa senatorial primary is illuminating on this point. There were six candidates seeking the Republican nomination: Smith W. Brookhart, Clifford Thorne, Charles E. Pickett, Leslie E. Francis, Burton E. Sweet, and Claude M. Stanley. Francis, who was fourth in the election, spent $6,869, which was twice as much as the campaign cost any other candidate. The coincidence that Stanley who received the least votes also spent the fewest dollars can be explained on the ground that he entered the race late and never had much chance of winning. The significant thing is that Brookhart, who won the election, spent less than $500. It must be remembered, however, that campaigning is largely a matter of advertising, and Brookhart was well known on account of his prominent campaign for the same office against Cummins in 1920. Moreover, he had the aggressive support of the *Iowa Homestead*, one of the most influential farm journals in the country. That alone was worth any number of paid advertisements. A further explanation of his low personal expenditure is furnished by his official expense account statement that farmers provided meals and automobile trips without charge, that farm and labor organizations supported him at their own expense, and that halls were supplied free. Judging from his experience it appears that great wealth is not necessary to win a primary nomination in Iowa even when the office is vigorously contested, if the candidate is already well known and has many friends—a circumstance which gives him a great advantage over opponents not so fortunate.

61 PER CENT PARTICIPATE

One of the most effective criticisms of the primary system is that only a small percentage of the voters participate. If the people as a whole are not interested in nominating candidates the primary may become a tool of professional politicians or special interests and cease to be the means of democratic expression. How large a vote can reasonably be expected? The total vote for all senatorial candidates in the Iowa primary this year amounts to only about 26 per cent of what it might have been if all voters had participated in the nomination of candidates for that office. This showing is

very misleading, however, because only the Republican and Democratic parties held primaries for the office of United States senator, and the party allegiance declaration presumably excluded all members of minor parties. Furthermore, there was no contest in the Democratic primary so that there was no particular incentive for the Democrats to endorse their candidate. Consequently the Republican primary furnishes the proper measurement of popular interest in the nomination of a senator. The six Republican candidates polled a total of 323,622 votes which amounts to a little over 61 per cent of the normal party strength if the vote for Senator Cummins in 1920 is accepted as the standard. All of which goes to show that only a small percentage of all the voters actually attend the primary, but within the dominant party where there is competition for nomination and hope of election the proportion of primary voters is fairly satisfactory. The vote was certainly large enough to indicate a definite interest and express a decisive choice.

THE 35 PER CENT FEATURE

There is difference of opinion as to what should constitute a decisive vote. To secure a nomination in the primary the Iowa law requires a candidate to poll at least 35 per cent of the total vote cast by his party for the office. Brookhart received the support of over 41 per cent of the voters who engaged in the nomination of a Republican senatorial candidate. Obviously a majority of the party did not prefer him above all others, and it might be assumed therefore that he is not the choice of the Republican party. It must be remembered, however, that there were five other candidates and it is very improbable that part of the support of any of them would not have gone to Brookhart if any had withdrawn. The fact that Brookhart ran either first or second in all but three of the ninety-nine counties is ample evidence that he was by far the most acceptable candidate. Suppose a preferential ballot had been used—probably the most accurate way of determining the popular will. There can be little doubt that Brookhart would have been the ultimate choice. For example Claude M. Stanley, the low man, carried three counties in each of which Brookhart was second. It is quite probable that Brookhart would have been the second choice of most of those who voted for Stanley, so that if Stanley's support could have been transferred so as to make it effective Brookhart would have been one of the chief beneficiaries. That is the answer to those who assert that Brookhart is a minority candidate. And perhaps it points the way to the preferential ballot as a substitute for the 35 per cent plurality requirement.

Under the Iowa law when no candidate receives the required 35 per cent plurality in the primary the nomination is made by the party convention. When there have been more than two candidates for an office in the Republican primary the nomination has almost invariably gone to the convention. With six candidates in the race for the Republican senatorial nomination last June is seemed to be a foregone conclusion that no one could receive the support of 35 per cent of the voters and that the selection would certainly be made by the State convention. But the political dopesters overlooked the peculiar circumstances of the campaign. It was not every man for himself: it was Brookhart against the field. Instead of the five sharing the support of Brookhart they shared his opposition. And the unex-

pected came to pass. The nomination was made in the primary because there was a clear choice. The result is evidence of conscious, thoughtful voting. The people had a preference and expressed it without regard to position of names on the ballot, party endorsement, residence of candidates, or any of the factors that are supposed to influence voters. The direct primary will nominate if there are any positive reasons why one candidate deserves approval above all others.

There are many staunch partisans who seem to think that a political party is an end in itself and not a means to an end. Such people are opposed to any form of primary that interferes with party organization. They desire iron-clad allegiance, and if there is to be any popular nomination voters should be required to formally enroll as party members long before election time. That would indeed go far toward stabilizing party organization, establishing party responsibility, and preventing the members of one party from participating in the nomination of candidates of another. It is this cross infection in primary elections that worries the regulars.

DID DEMOCRATS VOTE AT REPUBLICAN PRIMARY?

Several rock-ribbed Republican newspapers of Iowa claim that Brookhart was nominated by Democrats and Socialists who voted in the Republican primary. That is a common charge in every close and important primary contest—one of the stock criticisms of an open primary—but it can not be proved conclusively one way or the other. In support of the contention attention is called to the fact that over 37,000 more votes were cast for Republican senatorial aspirants than for any other office on the Republican ballot. Were these 37,000 voters Democrats and Socialists who were not interested in any other contest? Probably some of them were, but it is at least equally as plausible to assume that many of them were Republicans in the same plight. Moreover, the total vote for United States senator in the Republican primary this year is only about 61 per cent of the normal party vote. In 1918 when Senator Kenyon had no opposition his vote in the primary was only 55 per cent of his vote in the general election, but in 1914 the Republican primary vote for United States senator was nearly 70 per cent of the vote for Senator Cummins in the general election. In view of these facts the showing this year does not appear to be abnormal—the cross infection does not seem to be more serious than usual.

When a candidate receives the widespread indorsement that Brookhart did his party ought to be willing to acknowledge his leadership and accept the responsibility for his nomination. The assertion that parties have lost practically all responsibility for the candidates chosen by the primary appears to be based on the notion that the party and the machine are synonymous. The object of the primary is to deprive the machine of its assumed responsibility for which it can not be held accountable and place that responsibility with the party which must stand or fall at the final election on the wisdom of its choice of candidates. The Republican party leaders have not taken the nomination of Brookhart with good grace: he is not the candidate they prefer. Naturally they blame the primary and condemn it. But he is the Republican candidate and will have the support of a majority of the active members of that party. Though the party leaders may ostracize him, there is no way in which the

party can repudiate its responsibility for his nomination.

WOULD A CONVENTION HAVE NOMINATED BROOKHART?

Would Brookhart have been nominated if the decision had been referred to the state convention? No one can say positively, but newspaper opinion seems to indicate that he would not have been the choice of the Republican convention. Brookhart was not an organization candidate. Indeed, he capitalized that fact in the campaign. There were persistent rumors during the campaign that the organization was trying to prevent a nomination in the primary, and inasmuch as none of the six senatorial candidates seemed likely to secure the required number of votes the organization no doubt had well laid plans for controlling the convention. If so, Brookhart would not have been nominated by the convention. But given the opportunity, if the convention had nominated another man that act could not have been indicative of any more party responsibility than the nomination of Brookhart by the voters.

Speculation as to whether Brookhart would have been nominated if the "Hughes plan" primary had been used is rather futile but perhaps suggestive. That plan presupposes a truly representative party organization (which is probably an unwarranted presumption), responsible for naming official party candidates. If these candidates are acceptable there is no primary but any small group not satisfied with any may select a candidate of their own, thus requiring a referendum on the organization slate. It would be difficult to conceive of Brookhart as the official party candidate under the Hughes plan, but it is probable that he would have run for the nomination. If the party organization were truly representative an official party candidate might have been found who could have defeated Brookhart, but the actual results seem to indicate that the people voted for Brookhart in the June primary because they liked him best and not because they disliked him least, and because he was not the organization candidate. If that is true he would probably have won in any kind of a direct primary.

II. THE INDIANA PRIMARY

BY FREDERIC H. GUILD
University of Indiana

A CLEAN-CUT CONTEST

The outstanding feature of the Indiana primary on May 2 was, of course, the contest between former Senator Beveridge and Senator New for the Republican senatorial nomination. It was a clean-cut contest with no other contestants, a contest between men who had long been in the public eye and who had both stood high in political councils. Senator New was a personal friend of President Harding, closely in touch with administration affairs, a regular upon whose support the administration could always count. Ex-senator Beveridge had been a leader of the Progressives, a close friend of Roosevelt. With twelve years of service in the senate he could claim even more experience than Senator New. But he had been a

Progressive, and the implication was immediate that, if elected, he would be relatively independent and might prove a thorn in the side of the administration.

Some attempt was made, in consequence, particularly by Democrats, to weave into that primary contest considerable national significance. But, as is frequently the case in these elections between presidential years, the voters of the state apparently refused to permit the possibility of national deductions to interfere with a state contest.

It was above all else a contest of personalities. The independence or progressivism of one candidate and the regularity or standpatism of the other may have been positive considerations. It has long been pointed out that the most natural division of public sentiment is that of liberalism versus conservatism. And it is highly probable that just such a natural division occurred within the Republican ranks in the Indiana primary.

NATIONAL ADMINISTRATION NOT A DOMINANT ISSUE

But it seems equally certain that the question of approving or rebuking the national administration was not a dominant issue. Many New supporters must have felt deeply that a vote for their candidate was a vote of confidence in the Harding administration, a vote which must be secured. But there is no evidence to show that the Beveridge supporters felt that their vote was being cast against the administration. In fact the leading Republican papers of the state which supported Beveridge were careful to deny any such imputation. They centered their attention on the fear of a possible Democratic year. Beveridge was a proved campaigner, a progressive, who might attract the progressive element in the Democratic party. New was not in any sense a candidate to make a popular appeal from the stump. The Newberry vote, the tariff, the bonus, and other issues which could be raised against New could not be used against Beveridge. The primary should select the candidate who, in the fall election, could wage the most successful fight for the Republicans. And Beveridge, himself, felt constrained during the campaign to assert that, if elected, he would expect to work in harmony with the administration.

Beveridge won the nomination by 20,000 votes, receiving 205,410 to New's 184,938, a clean-cut victory, for a 10,000 majority is large for Indiana in any closely contested election, and Senator New had defeated Senator Watson in 1916 by a much smaller margin. Strong Beveridge support came from most of the rural counties and the expected majorities for Senator New in precincts within the larger cities was greatly reduced.

If there could be any single reason for so decisive a victory it might be found in the influence of the newspapers, in legitimate advertising. For two years prior to the primary Albert J. Beveridge, historian, had been receiving the most flattering of press notice. As Howell of Nebraska is credited with winning the ether or radio vote, so might Beveridge be said to have won on the *Life of John Marshall* and the fundamentals of the constitution. For two years there were but brief intervals when the newspapers of the state did not carry some report of an enthusiastic reception of the exponent of the great cases of the greatest chief justice. Not political advertising in any sense; not a word of politics. Merely a favorite son of Indiana bringing honor to the state in

all parts of the country. And when, in those two years, Beveridge spoke within the state, his subject was still the Life of John Marshall or the fundamentals of the constitution established by our forefathers. Or, often enough, there were addresses to Bible classes and similar religious organizations on biblical subjects. Free, legitimate, non-political advertising was carried in all newspapers of the state, Republican or Democratic alike, for a space of two years, not to mention the political comments of favorable nature in the monthly and weekly magazines later. It was probably the most remarkable pre-campaign publicity given in recent years to any candidate not then holding office. This publicity for Beveridge, the historian, the orator, must have accounted for many of the votes for Beveridge, the candidate.

On the other hand Senator New as an organization man, possessed an asset not to be lightly disregarded. It was to be expected that the organization would be working quietly and effectively in his behalf.

THE PRE-PRIMARY SLATE

It must be borne in mind, however, that there are two rather distinct attitudes in Indiana concerning active participation by the party organization in the primary contest. In Marion County (Indianapolis) and the other counties containing large cities, the machine apparently regularly prepares its slate and pushes it through with considerable regularity. In many instances in the rural counties, however, and frequently in cities of 10,000 or more, there seems to be a definite feeling that the primary should be a free choice by the party voters and that party committees should not interfere in behalf of any one candidate. In the larger counties slates are frequent. Indianapolis had five distinct slates in the 1922 primary. In rural counties the slate is looked upon with disfavor.

In consequence it was not to be expected that the Republican organization, the Republican clubs and the party committees, would openly endorse Senator New and openly demand and fight for his re-nomination. New was obviously the candidate of the regulars. That was understood. Senator Watson, generally counted as a New supporter, did not actively campaign for Senator New. President Harding, a close friend of Senator New and known to favor his candidacy, took care to let it be known that he would keep his hands off the primary contest. But party workers over the state were of course openly for New in private conversation, and many of them undoubtedly worked hard in his behalf on election day. And it was rather naturally taken for granted that, with the organization working for New, the contest would be a close one.

The Beveridge victory by over 20,000 votes required some explanation, in the eyes of the New supporters. Their obvious inference was that party workers in many parts of the state had failed in their duty. And it was immediately charged that Senator Watson had betrayed New, if not by working against him, at least by not working for him. This Senator Watson of course indignantly denied at once. It was pointed out that Senator Watson's precinct and other territory usually controlled by him had gone for Beveridge. The implication was that Watson could have swung it for New had he so desired. The fact that such rumors sprang up immediately after the primary, showed that all had not been harmonious in the ranks of the "organization" prior to the primary. And it is of course possible that some

such lack of harmony may have had its influence in the contest. Certainly the New campaign in parts of the state was lukewarm compared with the contest waged in behalf of Beveridge. This may have been due largely to the fact that Beveridge took the stump in his own behalf, and that he is a very successful campaigner. Senator New remained at his desk at Washington during the contest.

BEVERIDGE REPORTS CAMPAIGN EXPENDITURES

Another factor of some importance was the question of campaign expenditures. Beveridge early in the campaign announced that he believed the people were entitled to know how much a candidate was spending before they voted. He challenged Senator New to make a weekly statement during the campaign showing his expenditures. In view of the Newberry issue—and Senator New had voted to seat Newberry—this was capital campaign strategy, for New was the wealthier of the two and might be expected to spend more than Beveridge. But it was also a sound proposition which met with approval in many quarters of the state. New refused the challenge and made no statement of his expenditures prior to the primary. Beveridge, however, published a general statement weekly in the leading newspapers, and just before the primary he and his campaign manager issued a final sworn statement showing a total expenditure of $10,000.

PRIMARY NOT CONTROLLED BY THE ORGANIZATION

Whatever the causes back of Beveridge's nomination the result is clear. The organization had not controlled the nomination. Beveridge would hardly have been nominated under the old convention system. At least his chances for success would have been materially smaller, and the contest would have taken a different aspect. Party leaders were as uncertain as the lay members of the party as to the outcome, even on election day, when on the first returns from the first 50 precincts heard from, the New managers claimed the state for New by 25,000. Predictions before the primary were filled with "ifs." The rural vote was counted as strongly pro-Beveridge. If the weather was clear, the farmers, who were behindhand owing to the recent rains, would not come to the polls, and New with the organization behind him ought to win. No one knew what the women would do. Generally the opinion was that they would be favorable to Beveridge. It all depended on the women, many said, and after the primary it was Senator Watson's opinion that "the women did it." One thing is certain, when the polls opened and voting began, it was an open question which would win. The organization had no trumps up its sleeve. In this sense Beveridge's victory was a vindication of the primary. The choice was entirely in the hands of the rank and file of the party. The people had spoken without "machine" domination.

MUST NOT JUDGE BY ONE CASE

Still, it is strange how popular opinion and even skilled political observers select a single contest, upon which the spot-light is focused. The 1922 primary brought out the largest number of candidates the Indiana primary has yet seen. Both parties urged contestants to come forward and they came. In Marion county, with eleven state representatives to be nominated, the Republican ballot carried 57 candidates for that office, and the Demo-

cratic contestants for the same office were nearly as many. Even for minor offices the number of contestants was unprecedented. From the local returns so far analyzed it seems probable that, with 1,016 townships and 92 counties nominating officers, eliminating those positions for which there is seldom contest, and allowing an average of but two contestants, there were considerably over 5,000 candidates in the field in the two parties. Adding 3,000 precinct committeemen, elected by each party at the primary, and the delegates to the party conventions, the total would exceed 12,000. Out of this staggering total, we select one contest upon which to predicate conclusions concerning the merits or defects of the direct primary. Did other progressive candidates defeat organization men, or did the "machine" name its slate? The complete figures have not yet been analyzed, but it seems that in this primary the choice throughout was beyond organization control. The fact is, however, that we have as yet barely begun the study of the primary when the senatorial contest is out of the way.

The Indiana senatorial primary is preferential only. Unless one contestant receives a majority of the votes cast the final nomination rests with the state convention. In this primary both parties nominated their senatorial candidates in the primary by majority vote. But Indiana is contemplating repealing the state-wide feature of the primary law. And with the offices of governor and United States senator out of the primary as other state offices still are, the conclusions based upon the present senatorial contest would be of little practical value for the future.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE LAW OF MODERN MUNICIPAL CHARTERS. By William K. Clute. Detroit: Fred S. Drake, 1920. 2 vol. pp. liii, 1517.

Mr. Clute says that this work represents an "extension" of his "notes and references," and that the "thought of classifying these notes and references into a systematic arrangement" for the benefit of others was, in a measure, "the motive for their development in the present form." Mr. Clute has certainly gathered a great many notes and references; but most of them were collected by others before him—a fact of which he seems unaware. And whatever may have been his motive in putting them into their present form, the result is assuredly the sublimated quintessence of disarray—if indeed one may with propriety speak of sublimation in connection with a treatise of more than 1,500 pages.

In his introductory chapter, under a section head entitled "States Permitting Municipal Home Rule Under Various Plans," he says: "The commission plan, city-manager plan and a modernized federal plan are analyzed, and judicial decisions considered, upholding the right of municipal home rule, the validity of the commission plan, and the use of the initiative and referendum." Precisely so; and with just about the degree of relativity that is thus indicated. The next section, entitled "Home Rule a Southern and Western Idea" contains two sentences on its subject, neither of which, it may be superfluous to remark, sustains the new notion that municipal home rule originated in the South. The section is chiefly concerned with giving the names of commission-governed cities of over 30,000 inhabitants. The "systematic arrangement" of this introductory chapter is prophetic. We are duly forewarned by it. We ought not to be surprised, therefore, to find that while the doctrine of legislative supremacy over cities is discussed in the second chapter, the doctrine of an inherent right of local self-government goes over to the fourth. The two doctrines, being mutually refutatory, are of course indissolubly connected. They are one subject. But between the discussion of them, Mr. Clute inserts a chapter on "Whether Home Rule Charters, the Commission Plan and the Initiative, Referendum and Recall Are Departures from a Republican Form of Government." In the eighth chapter there is an elaborate analysis and comparison of the commission plans of Galveston, Houston, and Des Moines, of the city-manager plan of Dayton, of the federal plan of the Ohio optional law and of St. Louis, and of the commission-manager plan of Grand Rapids. Then follows some six hundred pages on home rule in specific states, after which the charters of these same cities are set forth in extenso, running to another six hundred pages. (Indeed the high cost of printing seems to have been no deterrent to Mr. Clute.)

These instances of arrangement will serve not only to illustrate the author's sense of systematization, but also to show something of the content of this work.

The best part of the work deals with the law of home rule. Even so, there is no adequate discussion of many of the important home rule cases. Moreover, there are disproportions that are by no means warranted by considerations of relative importance. For instance, California, which has had the largest experience with home rule and by far the largest amount of litigation over it, is treated in a little more than one hundred pages, approximately half of which are devoted merely to a recital of pertinent constitutional provisions. On the other hand, Michigan, where the experience with home rule has been less than in California and the resulting litigation far less important, is treated at considerably greater length. Here again a large part of the text is merely a copy of the home rule acts for cities and for villages. The footnote annotations accompanying these acts contain references to and discussions of innumerable cases that did not arise in connection with the judicial construction of these specific acts. This method of annotation, however, is doubtless far more useful than usual.

There is no doubt that a great deal of valuable information on legal points can be found in these two volumes; but the seeker will certainly have to do his share of the work in finding what he wants. The student of government who is looking for a descriptive picture of legal results will find lots of colors but no picture.

HOWARD LEE MCBAIN.

ASSETS OF THE IDEAL CITY, and A HANDBOOK OF MUNICIPAL GOVERNMENT. By Charles M. Fassett. New York: Thomas Y. Crowell, 1922.

In a pair of books written by Charles M. Fassett (and published by Crowell) the general reader is due for a pleasant surprise. They are intended primarily for school use, one of them frankly names itself a handbook, and they have the paragraph topics that always signify textbooks. But both of them are interesting for straight-away reading, and one of them, "Assets of the Ideal City," holds the reader absorbed as no textbook is supposed to do. It gives one the thrill of seeing visions of some future ideal society together with the solid satisfaction of realizing that all the details are already, somewhere, in some form, in actual operation. Both books are soundly practical, being written by a man who has developed his theories through substantial experience: Mr. Fassett was first an engineer, then president of the Chamber of Commerce in Spokane, then for two years its mayor and is now a specialist in municipal government in the University of Kansas.

These two volumes combine admirably. The "Handbook of Municipal Government" in clear simple language describes the various forms of municipal government, outlines methods of election and appointment, and analyzes the whole complex fabric of a city's organized life. The other book approaches the material of city organization from the point of view of its potentialities of development. As definitely as if he had announced it as a text Mr. Fassett shows that "no man liveth unto himself," picturing the city as a huge illustration of the necessity and advantage of cooperation and of civic unselfishness. From the surrender of the right to dump your garbage in the nearest pond to the limitations of building under zoning, the city, in Mr. Fassett's vivid picture, proves that the interests of one are, in the long run, the interests of all.

All the progressive measures that have been tried throughout the country are endorsed . . . the city manager form of government, proportional representation, the fullest measure of democratic control, public ownership of public utilities where the city has shown its fitness to own; and always one has the reassuring sense that they are endorsed because the writer has seen them work rather than because he has a theory that they should. Such bits of historical color as the moral objections raised to the first introduction of artificial street lights are delightful extras. Two things are basic . . . clear and easy-reading information and an inspiration toward good citizenship. The books are very well adapted to the use of popular study clubs or classes in government.

VIRGINIA RODERICK.

Second and Final Report of the Judicature Commission, Boston, 1921. Pp. 168.—The Massachusetts legislature failed to profit from the excellent work of the judicature commission of 1919–20, having enacted only a few insignificant bills among twenty-six which were proffered. This is said to have been due in part to the political fights which engrossed legislators' attention. It will be recalled that a preliminary report of the commission presented to the 1920 assembly resulted in the enactment of the small claims procedure act which placed Massachusetts in the lead in providing simple and inexpensive justice for small litigants. The final report represents a large amount of very intelligent and conscientious labor. It presents a very thorough critical study of the entire machinery of justice. Owing to the lack of a statistical and administrative function within the judiciary, such an investigation is of itself of great value, for it provides answers to many of the questions which arise concerning the courts and which otherwise cannot be resolved.

The two most important matters discussed in the report are the rule-making power and the judicial council. On these questions the commission evinces timidity. Rule making is approved in principle, but it is recommended that there be no enlargement of the existing power. A judicial council is recommended, but it is not to be a real administrative authority but, instead, an advisory board of judges and lawyers. It would collate statistics and recommend bills for enactment by the legislature, the theory being that the courts now have sufficient rule-making power to supplement legislation and produce a healthy development of adjective law.

Even such a limited judicial council as is recommended would doubtless prove of great value, but the theory of increasing judicial participation in rule making seems weak because the courts have failed for so long a time to exercise any considerable power in this field that it would now be necessary to repeal all the existing body of statutory rules and declare them to be court rules pro tem, in order to restore this inherently judicial power to the judiciary. The

report gives the impression that the judicature commission did not dare to go as far as their convictions indicated, hoping that a portion of a loaf might be yielded by the legislature. This hope was defeated in the recent session, the bill to create the judicial council having been killed by the house ways and means committee after approval by a vote of seven to eight by the judiciary committee.

Massachusetts is a small state in which judicial administration is comparatively easy. It has always had an exceptionally capable judiciary. Its legislated procedure has been better than the similar product in many other states. The bar of the state is in many respects justified in its reverential attitude toward the judicial system, but not in its theory that the highest ideal is merely to conserve present benefits. There is room for improving even Massachusetts courts and procedure through a responsible centralized judicial power and, since the state has travelled further already than most others, it has a less distance to go to assure itself of ultimate leadership. If it does improve materially in the next few years considerable credit will accrue to the painstaking efforts of the judicature commission.

HERBERT HARLEY.

New Sources of Revenue. Final report of the committee on new sources of revenue, Boston, 1921. Pp. 42.—The mayor of Boston in January, 1920, appointed a citizens' committee to study new sources of city revenue and methods of economy. The final report of the committee was under date of March 21, 1921, and has recently been published. Prof. W. B. Munro was vice-chairman of the committee.

The principles upon which the recommendations were made were: "first, that the present tax base should be widened so as to relieve real estate and spread the burden of taxation more evenly over the entire community, and second, that those classes of occupations and business which make use of public facilities and require special police and fire protection, improved highways or other special services, should contribute their share of the expenses necessary for furnishing such services. In carrying out the latter principle, the committee has recommended an increase in a number of licenses and permit fees and the adoption of certain new licenses, the establishment of an excise upon amusements and a reapportionment of a part of the state motor vehicle fees; while a tax upon retail sales has been suggested as the most practicable method of broadening the incidence of taxation and affording relief to real estate." It is estimated that if such recommendations were carried into effect the city would have an additional annual income of $5,250,000. The retail sales tax is discussed at some length, the advantages and objections stated and the conclusion reached that the municipal and not the national government should have the revenue from this form of tax.

The Board of Appeals in Zoning. By Edward M. Bassett. The Zoning Committee of New York. New York, 1921. A pamphlet on "The Board of Appeals in Zoning," by Edward M. Bassett, counsel, has been published by the zoning committee of New York.

Mr. Bassett states that legislative authority to appoint a board of zoning appeals is one of the fundamental preliminaries to zoning. He shows that in New York City the board of zoning appeals has been a very great help and safeguard in the administration of the zoning ordinance. He states that, "If the city of New York did not have a board of appeals in connection with the zoning resolution with its duties defined in the charter and the resolution itself, there is no doubt that numerous cases would have come before the courts involving the constitutionality of the zoning resolution. The decisions in some of these cases would undoubtedly have been adverse. Instead of this the existence of the board of appeals has probably been the greatest element in making possible the remarkable statement that for five years there has not been any declaration of a court that any provision, however minute, of the New York zoning resolution and maps is unconstitutional."

Power in a board of appeals to vary the provisions of the zoning ordinance in accordance with certain prescribed rules is necessary in certain cases in order to make the provisions of the ordinance more reasonable and less arbitrary. As Mr. Bassett states, "Human wisdom cannot foresee the exceptional cases that can arise in the administration of a zoning ordinance. The strict word of the law may sometimes be the height of injustice."

Mr. Bassett's pamphlet contains as an appendix a list of leading cases on zoning, a list of state-enabling acts authorizing zoning and a list of zoning ordinances adopted. The pamphlet is a very important contribution.

ROBERT H. WHITE.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Bacharach Bill Criticized. *To the Editor of the National Municipal Review:* Mr. Bauer's article[1] in your July number on the Bacharach injunction bill, shows that your critic is erroneously informed as to the law and practice in the federal and state courts. In either court, it is the duty of the judge to decide a case upon the record and not upon personal information of his own. If, therefore, it were true that the judges of state courts are much closer to local conditions than those of federal courts, a judge would have no right to be guided by any inference derived from this fact. But how can it be said that the judges in the courts of the state of New York understand local conditions any better than Judges Hand or Mayer or any other federal judges in the United States courts in New York?

In either court the record of the public service commission and the evidence on which it is based, will be received directly as evidence. It is a mistake that "in the federal court an entirely new record must be provided." In either court a subpoena would issue requiring the clerk of the commission to produce the commission record. That would be put directly in evidence.

Moreover the law in the federal court is that the report of the commission is binding upon the courts, unless shown to be clearly against the evidence or against law. This was held by the Supreme Court in the Abilene Cotton Oil Company case, 204 U. S., 426, in *U. S. vs. Louisville & Nashville Railroad*, 235 U. S., 314–334, and in many other cases. The rule familiar in the state courts is applied in the federal courts that a finding against evidence is an error in law. But otherwise the findings of fact are binding. It has, for example, been held in a suit to enforce an order made by the Interstate Commerce Commission, that all that the plaintiff need do is to introduce the findings and order of the commission. *Meeker vs. Lehigh Valley Railroad*, 234 U. S., 412–434.

Again Mr. Bauer says that the United States District Court has set aside the order of the public service commission upon affidavits. What it has done is to grant an injunction against immediate enforcement of this order. That is a very different thing from setting it aside. He says "the whole matter will go for determination to a master." He overlooks Equity Rule 46, adopted February, 1913. "In all trials in equity, the testimony of witnesses shall be taken orally in open court, except as otherwise provided by statute or these rules." The statute referred to is that allowing depositions of witnesses who do not reside within the jurisdiction, or are about to leave it, to be taken out of court. The rule referred to is Rule 59—"Save in matters of account a reference to a master shall be the exception, not the rule, and shall be made only upon a showing that some exceptional condition requires it." This rule expresses the practice which also prevails in the Supreme Court of the State of New York.

The real reason why the federal courts should have jurisdiction in questions arising under the constitution is this. The framers of the constitution saw that it was necessary that the new government should have power to enforce its laws. It is the law that private property should not be taken for public use without compensation. If a state commission fixes a rate which prevents the corporation to which it is applied from paying expenses of operation and interest on its debts, this order is confiscatory and a violation of federal law which the federal government should have power to prevent. The Confederacy left the federal government dependent upon the states for the enforcement of the federal law. This made the government weak and ineffective.

Some persons have forgotten this. Senator Norris, for example, proposes to abolish all the federal courts, except the Supreme Court. The Bacharach bill does not go so far, but it is a step in that direction.

The Committee on Jurisprudence and Law Reform of the American Bar Association, of which I have the honor to be Chairman, has unanimously condemned it and we think that all persons interested in the protection of individual rights against confiscation, should oppose it.

EVERETT P. WHEELER.

[1] The Bacharach Bill was explained and defended by Dr. Bauer in the July REVIEW, p. 218. It is designed to prevent appeal to the Federal courts from the ruling of a public service commission until appeals in the state courts have been exhausted. The Committee on Law Reform of the American Bar Association reported against it and it is here criticized by the chairman of that committee.

County Government.—The County Manager Charter in Sacramento, Cal., was submitted to the voters August 29 with prospects of adoption by a large majority.

The charter embodies sweeping reforms and if adopted will doubtless be the best framework of government possessed by any American county up to date, which is not saying much. But on the other hand, it does not, as the name, county manager, suggests, apply correctly to county government the basic principles of the city manager plan. A diagram of the new Sacramento plan bears no resemblance to that of the typical city manager charter because the solid unity of the latter is lacking, the ballot is left practically as long as before and the manager controls only a certain few of the department heads, the rest remaining independently elective.

The charter provides for the election of 13 supervisors, one from each district with nominal salaries, and continues on the elective list the district attorney, sheriff, superintendent of schools, county clerk, auditor, recorder, assessor, tax collector, coroner and public administrator. The county treasurer is abolished and the county surveyor is consolidated into the office of the highway engineer; these two offices were formerly elective. The charter commission retained the long ballot only after a fight and it appears that no efforts were spared to diminish the powers and patronage of the independent officers as far as possible. The county manager, appointed by the board of supervisors, is ex-officio road commissioner and purchasing agent, and most of the county expenditures, including all those for roads, public works, buildings and institutions, will be concentrated under his direction. As purchasing agent he must also buy without charge for any school district or municipality within the county that requests him to do so. A budget system is required. The civil service commission is of three members, two appointed by the judges of the superior court, the third member being the county manager.

A new system of drawing jurors is expected to end certain local abuses and there are substantial changes in township offices.

If the charter is adopted, a full account of the situation and the charter will be obtained for an early issue of the NATIONAL MUNICIPAL REVIEW.

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Michigan County Reform Effort Fails. The task of getting 105,000 signatures to initiative petitions for the amendment that would permit new forms of county government in Michigan proved too great for the organizers and for the slender amount of volunteer effort that could be mustered for such a cause and the petitions were not completed. The number of signatures required this year happened to be unusually large and seven other initiative petitions on various subjects failed of completion for the same reason.

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A County Manager Plan Bill passed the senate of Louisiana in June under the leadership of Henry E. Hardtner of Urania but did not reach a vote in the house although reported favorably by the judiciary committee. The bill provided that parishes (counties) might by a referendum vote change their form of government to that provided in the act, namely, a police jury (board of supervisors) of 5 to 9 members nominated by districts but elected at large, with power to appoint a parish manager who in turn was given the right "to employ such assistants as he may need to carry on the work and shall fix the compensation for such employees." Elective officers were not disturbed by the bill and were to remain independent as before.

R. S. C.

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Chicago Plan Commission Reports Progress. The twelfth annual report for 1921 of the Chicago plan commission is a record of continued progress. Twelve major parts of the plan of Chicago are now under way and in various stages of completion.

In the plan, the foundation of the street circulatory system is a quadrangle of wide streets around the "loop" district, composed of Michigan Avenue on the east, Roosevelt Road on the south, Canal Street on the west, and South Water Street on the north. During 1921 the Michigan Avenue, Roosevelt Road, and Canal Street widenings made progress, and a large amount of necessary preliminary work in connection with the South Water Street project was accomplished.

The plan also proposes the creation of great traffic arteries extending as major streets north-and-south and east-and-west through the city from city limits to city limits. Three of these streets on the West Side—Western Avenue, Robey Street and Ashland Avenue, all north-and-south thoroughfares, progressed to the point of having court petitions for their opening, widening and extension filed in the courts during

the year just ended. Construction was started on another, Ogden Avenue, which today is a great diagonal thoroughfare extending two-thirds across Chicago in a northeasterly direction from the western city limits to Union Park. Buildings are now being torn down to continue this street, 108 feet wide, for the three mile distance from Union Park on the West Side to Lincoln Park at Lake Michigan on the North Side.

Court petitions were also filed on five other street widenings in the district just west of the loop, extending from the Chicago River west to Halsted Street, and from Harrison Street south to Roosevelt Road. In this area Clinton, Desplaines, Jefferson; Polk and Taylor Streets are to be widened from forty feet to eighty feet, in order to allow the district to develop into a first-class warehouse and commercial section.

The proposed harbors in Lake Calumet and along the shore of Lake Michigan at the Illinois-Indiana State Line, came a step nearer reality with the passage of an ordinance by the Chicago city council providing for the creation of an industrial harbor in Lake Calumet, and the passage of legislation by the state legislatures of Illinois and Indiana providing for a harbor commission to establish and operate the proposed "Illiana" transfer harbor at the state line.

The forest preserve commissioners acquired 3,487 acres during 1921, bringing the present total up to 21,516 acres; and a start was made upon the project of establishing a zoo in the forest preserves near Riverside, along the Desplaines River, ten or twelve miles west of Chicago. The county board continued developing good roads, connecting Chicago with the preserves and with surrounding suburban villages, and connecting the various preserves with each other. Fifty miles of new pavement were laid during the year.

Good progress was made in carrying on the lake front park development, and piling was driven in the shallow water along the shore of Lake Michigan to start the creation of what will ultimately be 1,138 acres of park lands, extending for five miles from Grant Park in the center of the city to Jackson Park on the south side. Necessary preliminaries in connection with the extension of Grand Boulevard northward by means of widening South Park Avenue to 198 feet were successfully conducted. In the Plan of Chicago it is proposed to establish a connection between the north and south side boulevard and park systems by constructing a bridge across the mouth of the Chicago River, connecting Grant Park with the Municipal Pier, Lake Shore Drive and Lincoln Park.

The Illinois Central Railroad Company started initial technical work looking to the electrification of its facilities and the construction of its new depot fronting upon Grant Park at Roosevelt Road, the southern boundary of the traffic quadrangle encircling the heart of the city. The total estimated cost of this terminal improvement is 88,000,000 dollars. On Canal Street, the western boundary of the quadrangle, the Union Station group of roads is remodeling its facilities and erecting its new depot, at an estimated cost of 75,000,000 dollars and during the year construction work continued although slowed up somewhat by financial and labor conditions.

E. S. Taylor.

Ireland's New Constitution. One never expects an Irishman to be dull and those who drafted the new constitution, recently published in this country, have not disappointed us. It is refreshing, to put it mildly, to turn from following the debates in our state consitutional conventions, which are still arguing whether the treasurer and secretary of internal affairs should be elected or appointed, to the constitution of the Irish Free State. Old line state politicians with weak hearts will read it at their peril.

The legislature consists of two houses; the chamber of deputies elected under proportional representation by all citizens, male and female, of at least 21 years of age, and the senate chosen in a complicated manner also under P. R. by voters of 30 years of age or over.

It is intended that the senate shall be composed of citizens who have done honor to the nation in useful public service or who, by reason of special qualifications, represent important aspects of the nation's life. To this end each university is entitled to elect two members. The other members are chosen from a panel specially prepared, the whole country forming one electoral area. The panel is to consist of three times as many persons as there are places to be filled. Two-thirds of it will be selected by the chamber and one-third by the senate under proportional representation.

The senate will be a continuous body, one-third being elected every four years for a term of twelve years. The chamber will hold office

for four years unless previously dissolved on the advice of the executive council.

The senate will have no authority other than advisory with respect to money bills, but with respect to other measures it has the right of introduction and amendment.

The cabinet, called the executive council, is designed to secure both ministerial responsibility and professional, non-political administration. This feature will be watched with the greatest interest by those who respect the cabinet system but recognize its shortcomings on the administrative side. The ministers shall be chosen by the representative of the crown, who is to correspond to the governor general of Canada. In no case shall more than seven be members of parliament. The president of the executive council, in reality the prime minister, will be selected by the chamber and he will in turn appoint the other ministers who are members of parliament. The ministers not members of parliament shall be chosen by the chamber. The political ministers will retire from office when they lose the confidence of the chamber. The non-political ministers will hold office during the life of the chamber or other period fixed by law and can be removed only by a form of impeachment.

Judges are to be chosen by the executive council to serve during good behavior. It is noteworthy that the High Court is expressly granted the power to declare a law unconstitutional. Inferior courts, however, do not have this power of judicial review.

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Illinois Constitutional Convention Presents New Constitution. The convention closed its labors on June 28, when the draft of the new basic law was adopted by a vote of 55 to 0. The convention meets this month to sign the engrossed instrument, but it is not anticipated that any changes will be made at that time.

The story of the convention is a stormy one. The question of Cook county's representation in the legislature nearly wrecked it. A compromise, however, was reached finally by which her representation in the lower house is unlimited while her representatives in the senate can never exceed nineteen or one-third of the membership.

No material changes were made in the organization of the executive department.

In the organization of the judiciary a measure of real reform has been attained with respect to unification in Cook county. The supreme court of the state is ordered to establish a civil division and a criminal division of the circuit court of Cook county. It shall select a chief justice for each division with such administrative powers as the supreme court may determine.

An opportunity for a radical change in the method of appointment of the circuit judges of Cook county is provided. One-tenth of the voters may petition for an election on the proposition that vacancies be filled by the governor from an eligible list presented by a majority of the supreme court. Each judge so appointed will hold office during good behavior except that every sixth year the voters of the county shall be given an opportunity to express their disapproval of the judges then in office. If a majority express disapproval of any judge, his office will become vacant and the vacancy filled as described above. If a majority of those voting favor this proposition it shall be declared adopted. The legislature is authorized after five years from the adoption of the constitution to extend the same system of organization to the circuit court throughout the state, subject to the approval of the voters.

A surprising measure of home rule was granted Chicago. She is given full charter making power. Her charter may provide for the consolidation with the city of all existing local governments within the city limits or of those parts within the city limits. Special and local legislation relating to Chicago shall not apply without the consent of the city. She is given power to rent, own, construct and operate public utilities. Debts incurred in acquiring or constructing income producing property for supplying transportation or water are exempt from the general debts limits.

Although the convention was instructed by the voters to include the initiative and referendum in the new document, no provision is made for them. Opposition has already developed on this and other scores, and it remains to be seen whether the constitution will be adopted when voted upon on December 12.

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St. Paul's Zoning Ordinance. The city council of St. Paul, Minnesota passed a zoning ordinance on July 7. The ordinance was prepared by the City Planning Board with George H. Herrold as city planning engineer, and Ed. H. Bennett and Wm. E. Parsons of Chicago as consultants.

The ordinance provides for six use districts and four height districts, areas are made to conform to the uses all shown on one zoning map. The residential areas are divided into A, B and C residence districts. There is also provided a commercial district, a light industry district and a heavy industry district.

The material difference between A and B residence districts is that the area required per family is greater in the A district. Apartment houses are not permitted in either A or B residence districts, but are permitted in the C district. There are special provisions in the ordinance relating to: 1—the grouping of institutional buildings in order to preserve the residential character in the A and B residence districts; 2—the construction of public garages which are not permitted in the A, B and C districts; 3—the establishment of set back lines in the residential districts, and 4—the requiring of stores to take the same set back as the residence where they are permitted at certain corners in the residential areas.

There are four height districts: 40—75—100 and 150 feet. The original ordinance called for a height limit of 120 feet in the downtown business district but this was amended to 150 feet by the Council. There are provisions in each for increasing the height above given by setting back one foot in height for each foot the building is set back in the 40 foot district; 2½ feet in height for each foot building is set back in the 75 foot district; 3½ feet in height for each foot building is set back in the 100 foot district and 4 feet in height for each foot building is set back in the 150 foot district.

Provisions are made for amending the ordinance upon petition of 50 per cent of the owners of the frontage after review by the Board of Zoning and a two-thirds vote on the part of the Council.

There was considerable argument over the question of throwing residential areas along car lines into a business district, but this was finally accepted, incorporated in the ordinance and passed as to form on the date named June 30, and finally passed July 7th, 1922.

The field work on the St. Paul zoning ordinance began in May, 1921. A complete field survey was made to determine the use of every piece of property in the city, and these uses were noted by symbols on a new map of the city prepared by the city planning board on the scale of 500 feet to the inch. Set-backs, height of buildings, and so forth were also determined by the survey. Upon this was built up the zoning map.

All newspapers of the city backed the zoning ordinance and the city planning board to the limit.

GEORGE H. HERROLD.

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Governor-Elect Pinchot Begins State Survey. The day following Mr. Pinchot's nomination as the Republican candidate for governor of Pennsylvania, he appointed a citizens' committee to make a survey of the state finances with particular attention to the spending policies of the administrative departments. The last legislature appropriated at least thirty million dollars in excess of prospective income and, since the Republican nomination in Pennsylvania is tatamount to election, the next governor is anxious to have before him full information with respect to present practices and constructive suggestions to guide him in preparing his first budget.

As most of our readers know, Pennsylvania is one of the two remaining states without some form of a legal budget system. It is Mr. Pinchot's purpose, however, to prepare a budget on his own responsibility, using the information compiled by the committee he has chosen. Each department will be surveyed by an expert working under a sub-committee. The new governor will thus be acquainted with the business condition and business practices of the state. It is the kind of service with which all incoming executives should be supplied and the resulting developments in Pennsylvania will be watched with interest everywhere.

Dr. Clyde L. King is chairman of the citizens' committee and is devoting his full time to the work.

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Virginia Simplification Commission Organizes. By call of Governor E. Lee Trinkle, the Virginia Commission on Simplification of State Government, authorized by the 1922 general assembly of Virginia, held its initial meeting in the governor's office at Richmond on July 6, 1922. Senator Julien Gunn of Richmond, who was patron of the bill creating the commission, was elected chairman and Miss Adele Clark of Richmond, president of the Virginia League of Women Voters, was elected secretary.

Major LeRoy Hodges, Director of the Budget and a member and the secretary of the former Virginia Commission on Economy and Efficiency

(1916–1918), was appointed technical advisor of the commission, Mr. John H. Bradford, budget statistician, was appointed statistician, and Mr. C. H. Morrissett, director of the state legislative reference bureau, was appointed research advisor.

The act creating the commission (Acts of Assembly, 1922, Chap, 416, p. 429–30), which was approved March 24, 1922, provides that the commission "shall investigate and study in detail the organization of the government of Virginia, state and local, also all bureaus, departments and institutions" and recommend to the general assembly of 1924 "a plan for the reorganization and simplification of all of the component parts of the government, state and local," and the elimination of such unnecessary duplications in state and local governmental agencies as may be deemed in the interests of economy and efficiency.

The act specifically provides that one recommendation of the commission shall be confined to such improvements in the state and local governments as may be effected without constitutional amendments, while the other recommendation shall specify the changes in the constitution necessary to carry into effect the reorganization suggested. The commission must accompany its report to the general assembly with the necessary bills and constitutional amendments to carry the recommendations into effect.

II. JUDICIAL DECISIONS

Street Meetings.—In pursuance of the power granted under a general statute, the city of Mount Vernon passed an ordinance prohibiting the holding of public meetings on public streets without a written permit from the mayor. In a proceeding to determine the constitutionality of the ordinance, the court held that such an ordinance did not abridge the right of free speech or assemblage, for there is no constitutional privilege to exercise the right of free speech on the public streets in the form of a public meeting. The mayor's right to grant or withhold a permit carries with it the exercise of discretion in the discharge of a public duty, which discretion is to be fairly and impartially exercised, and if not so exercised, the persons denied the permit may obtain relief by applying to the courts.[1]

Right of Council to Impeach Mayor.—The council of the city of Atlanta filed charges against the mayor, setting up certain wilful neglect of duty, and refusal to discharge the duties of his office. Under the statutes of the state, the functions of the city government were placed under the control of the mayor, the city council, and other elected officers. The statutes provided that the city council should consist of a mayor and aldermen, and that the council shall be judge of the election and qualifications of its members, and that it may expel its members. The question before the court was whether the mayor should be considered as a member of the council. The court held that the mayor is a member of the council, chief executive officer of the city and of the executive department—a coordinate branch—and not a part of the legislative branch, and any power possessed by the city council, if it had such power, could not extend to removing him from the office of chief executive officer of the city. As a member of the council, the mayor's duties were more formal than substantial; that he was a member only in so far as pertained to his duties of presiding over its deliberations and casting a deciding vote in case of a tie. A further reason was assigned for the opinion in that certain machinery was particularly set up in the city and village act for the manner in which the mayor may be removed.[2]

Councilmen not Liable for Legislative Discretion.—The village of Hicksville contracted for the improvement of certain streets. Because of the stringency of the money market, it was impossible to issue bonds, and to relieve the situation the village council authorized the payment of a certain sum to a bond agent to cover the cost of expenses incurred in securing a buyer for the bonds. This payment was in violation of the law, and it is claimed that the council had full knowledge of the legal provisions, and that they thus misappropriated funds raised by taxation. The question that came before the court was whether a councilman acting in good faith, who votes for the authorization, and therefore violates a legal restriction, thereby becomes liable to the village for such sum as may thereafter be paid under the supposed authority of such voted resolution. The court held that the members of

[1] *People* v. *Atwell*, 103 N. E. 364.

[2] *People* v. *Dreher*, 134 N. E. 22.

a municipal council, when acting in good faith, are exempt from individual liability for the exercise of their legislative discretion in voting as such members of the council for or against any proposed legislation before them for consideration. The fact that the proposed legislation is prohibited by law does not make it any the less legislative in its nature. All persons dealing with a municipality are bound to know the limitations upon the legislative power of its legislative body, and upon subjects in excess of such power, they deal with it at their peril.[3]

Assessment Basis for Limitation.—In a suit brought to annul a bond issue authorized by the taxpayers of Cedar Grove, the question was presented as to whether the constitutional limitation on the bonded indebtedness should be based on the last assessment filed before the submission of the proposition to the taxpayers for their approval or rejection, or whether it should be based on the last assessment filed before the bonds are issued? The court held that the limitation should be based on the last assessment before election. The judgment of the court was based on the ground that the taxpayer should have something definite upon which to base his vote. "If the future assessment is held to be the one intended, then a fact of importance at once becomes unknown." The belief of the court was that the taxpayer should have a definite base upon which to grant a bonding authority, and that the law should be interpreted as being based on the last assessment before election.[4]

Powers of Health Boards Defined.—In an action against a health officer for damages from confinement in a detention hospital where the restraint of plaintiff's person was made to appear, the court held that the power to protect the public health vested by law in public health boards is to be exercised through reasonable rules and regulations duly promulgated. Whether rules and regulations of public health boards are lawful and reasonable, considering the true end in view and personal rights guaranteed citizens by the Constitution, constitute judicial questions beyond the power of the legislature to foreclose. No executive board, such as a board of health, can render its officers immune from judicial injury when a claimed unlawful exercise of authority has been visited upon a citizen and redress is asked. The method adopted or exercised by an executive board to prevent the spread of a dangerous communicable disease must bear some true relation to the danger and be reasonable, having in mind the end to be attained, and must not transgress the security of the person beyond public necessity.[5]

General and Special Assessments.—By vote of the electors the city of Rulo was authorized to expend not to exceed $13,000 for the purpose of constructing a water system inclusive of water mains, hydrants and stand pipe. The assessed valuation of the city was $67,000. On receiving this authority the city council proceeded to let contracts for the construction of pumps, buildings and a filter plant to the amount of $11,995. The city council then, by unanimous vote, in order to provide water mains, a stand pipe and hydrants passed a resolution, describing the entire city as a special assessment district for the construction of these projects at an estimated cost of $30,000. By the two methods of general taxation and special assessment, the proposed expenditure would amount to $42,000, which is approximately 60 per cent of the total valuation of all the property in the city, and greatly in excess of a 20 per cent limitation. The court held: the powers delegated to a city to construct local improvements and levy special assessments is to be strictly constructed against the city, and every reasonable doubt as to the extent of such power is resolved against the city. As all the property in the city had been included in one taxing district, and as the expenditure for the entire system was an amount in excess of 20 per cent of the taxable property of the city, the court believed that in so doing the city had violated the lawful limitation fixed by statute. The principles underlying the levy of a general tax, and the levy of special assessments is lost sight of when the improvement proposed is of such a character and of such general benefit to the entire city that all property in the city must be included within a single taxation district, so as to make the improvement possible. The obvious purpose of the limiting statute, that of giving the taxpayer protection, would be thwarted by holding that the city authorities might by special assessment covering the entire property in the city, do what they would clearly be prohibited from doing by a general tax.[6]

[3] *The Village of Hicksville* v. *Blakeslee*, 134 N. E. 445.

[4] *Kansas City South Railway Co.* v. *Hendricks*, 90 South 545.

[5] *Rock* v. *Carney*, 185 N. W. 798.

[6] *Futscher et Al* v. *City of Rulo et Al*, 186 N. W. 536.

Estimates for Improvements Need Not Be Definite.—Where a city engineer submitted to the city council in writing an estimate of the cost of a paving improvement based upon the unit plan, and also based upon the then existing freight rates upon the material to be used, with the oral information that, if the freight rates on the materials to be used should be advanced, his estimate of the cost should be correspondingly increased, and where the city council entered into contract with certain persons to do such paving for the unit price named in such estimate, which contract contains a stipulation that if the freight rates upon the materials used should be advanced, the cost should be correspondingly increased, and, if lowered, correspondingly decreased, such contract is in compliance with the general statute, which requires that no contract shall be let for a price in excess of the engineer's contract.[7]

ROBERT M. GOODRICH.

[7] *State* v. *March*, 187 N. W. 84.

III. CITY MANAGER NOTES

Politicians have developed a new method in Columbus, Ga., of showing their disapproval of city manager government. Manager H. Gordon Hinkle was hit on the head with a billy and the mayor's house was bombed, following letters which were sent to both men threatening that action would be taken against them if the "damned Yankee" manager was not immediately dismissed. Manager Hinkle's reorganization and moving the municipal feed trough out from under the noses of the gang was responsible for this attitude, which developed after his arrival in Columbus on January 1 of this year. Statements are openly made that the manager unearthed numerous leaks in the administration and systematized the administration in a commendable manner. The best citizens of the community were disappointed to learn of his evacuation after having advised the editor of the principal newspaper that he had plead with the commission for five weeks to allow him to clean house in the police department. As a result of their refusal, he states, conditions became intolerable. Mr. Hinkle was manager of Altoona, Pa., until the first of the year, at which time Altoona abandoned city manager government. It had been operating under an ordinance which a new city council repealed.

*

A City Manager has again taken the lead in bringing about the establishment of another cooperative forward movement in city government. What seems to be the first convention of mayors, city councilmen, and commissioners ever held in Florida, was called in May by city manager Hall of Tampa. The convention outlined a very interesting plan for mutual self-help among the Florida cities. Manager Hall was elected president. He is the fifth city manager who is president of his state league of municipalities.

*

That Some Managers are leaders of men is indicated by the fact the when Manager Thompson of Phoenix resigned, the city employees in appreciation of his valued leadership presented him with a beautiful diamond set 32-degree Scottish Rite Masonic ring.

*

The Friends of City Manager Government will regret to learn of the recent death of Dayton's first citizen and the father of city manager government in Dayton, Mr. John H. Patterson, who was also president of the National Cash Register Company.

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Numerous Interesting Articles have appeared in recent issues of the City Manager Monthly Bulletin: *Plain Business Methods Show Results in New London, Conn.; Results of the Recreation Movement in City Manager Cities; Man Wanted; "P. R."; Public Ownership; Is the City Manager Plan Applicable to Our Largest Cities?*

*

Manager Hewes of Long Beach is calling weekly meetings of department heads in order to bring about a better cooperation and coordination of municipal functions. The council is proposing amendments to the charter, which went into effect just a year ago.

*

The Following Managers have been called on to address meetings on the advantages of city manager government: Seavey, Koiner, Osborn, Graeser, Garrett, Hickok, Mendenhall, and Roark.

An Illinois Manager took his hat to a cleaner who ruined it. When the manager called for it he demanded the price of the hat, which the cleaner refused, but he wanted the pay for the cleaning. A little argument resulted and the cleaner sent for a policeman. When the officer arrived the city manager had the cleaner arrested, much to his surprise and he had to pay the price of the hat plus costs. The moral probably is not to do dirty business with a city manager or you may be cleaned in the long run.

*

Interest is being shown in city manager government in the following cities: Stockton, Calif., Northfield, Minn., Pendleton, Ore., Redfield, S. D., Kissimmee, Fla., Port Huron, Mich., Greenwood, Miss., Hillsboro, O., Harriman, Tenn., Barberton, O., Annapolis, Md., Cloverdale, B. C., Calgary, Alberta, Lakewood, O., North Platte, Nebr., Newton, Kans., Beverly, Mass., Morristown, Tenn., Harrisonburg, Va., Philadelphia, Pa., Hoquiam, Wash., San Lorenz, Calif., National City, Calif., Venice, Calif., Topeka, Kans., Independence, Coffeyville, Ottawa, Emporia, Parsons, Chanute, Garnett, Ranson, Kans., Oskaloosa, Des Moines, Ia.

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The "P. R." Clause in the manager amendments to the Cleveland charter has stood the test in two courts.

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The Minneapolis Charter Commission is awaiting the decision of the higher courts of California and Ohio on "P. R." before they finally decide to incorporate "P. R." in their proposed manager charter.

*

The Defeat of the manager proposal in Atlanta, Ga., may be attributed to three causes. First, the strength of the ring; second, the fact that the ring capitalized the unfortunate experience of the city manager in Columbus; third, city manager advocates were divided regarding their ideas as to what the city manager provision should contain.

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Chase City, Va., adopted city manager plan June 1, 1922. J. R. Simons has been appointed city manager.

*

Eastman, Ga., adopted a city manager charter January 1, 1922 and started operating under this charter January 1, 1922. LeRoy Phar has been appointed manager.

Gainesville, Texas, adopted city manager plan by ordinance April 1922.

*

Marysville, Calif., adopted city manager plan by ordinance July 10, 1922. J. O. Wanzer has been appointed city manager.

*

Peru, Ind., voted on this question June 13, 1922. The votes cast were 24,013 against the charter and 417 for the charter. Less than half of the vote of the city was cast.

*

Existing Manager Cities which have previously not been listed are: Devol, Okla., Max L. McClure; Gainesville, Fla., G. H. Cairns; Tulia, Tex., C. R. Walters; Grandfield, Okla., George Hoefer.

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The Policies of City Manager Government in Long Beach and Pasadena, Calif., and Wheeling, W. Va., have just been endorsed by the people by their voting enormous bond issues for municipal improvements.

*

The Incumbent Administration has just been given a vote of confidence by re-election to office of all the commissioners in the following cities: Mansfield, Mass., Muskogee, Okla., Norfolk, Va.

*

Lakeland, Fla., voted on a new manager charter August 1. Several years ago Lakeland employed a manager by ordinance, and later dispensed with him, returning to the commission form.

*

Marysville, Calif., has had what they called city manager government since 1919, but has not been listed. Beginning July 10 a new manager took office, who has been given broader powers by the council.

*

New Appointments.—The following new appointments have been reported: Wilbur M. Cotton, Ashtabula, O. (former manager of Edgeworth, Sewickley, and Ambridge, Pa. This registers the fifty-second promotion of city managers); former City Clerk T. J. Pedler, Muskegon Heights, Mich., $2750; Anton Schneider, Bartow, Fla., $3000; J. D. Whitfield, Terrell, Tex., $2400; B. H. Calkins, Albuquerque, N. M., $3600; W. C. Foster, Phoenix, Ariz., $7500; C. A. Bratton, Brownwood, Tex.; Harry S. Starr, Birmingham, Mich.; J. R. Simmons, Chase City, Va.; E. E. Lothrop, Mansfield, Mass. (This is the twenty-third case of subscribing

members of the City Managers' Association stepping into the active ranks); L. E. Orford, Clovis, N. M.; C. J. Manning, Sapulpa, Okla., $4800. (This is the fifty-third promotion of a city manager); Lon Barringer, Charleston, W. Va.; L. G. Garretson, Yale, Okla.; C. R. Walters, Tulia, Tex.; E. I. Jackson, San Angelo, Tex.; W. B. Hodges, Daytona, Fla., $4500; T. V. Stevens, Excelsior Springs, Mo., $4000. (This is the fifty-fourth promotion of a city manager); George W. Perkins, Mexia, Tex.; H. J. Bradshaw who was succeeded by H. D. Wade, now succeeds him as manager of Stamford, Tex.; John W. Ballew, after a two years' vacation, is again manager of Hickory, N. C. He was the seventh manager to enter the profession. His son, R. D. Ballew, is manager of Sturgis, Mich. So far as is known this is the only case of father and son being managers at the same time. Oscar Dobbs, Nowata, Okla. (This is the fifty-fifth promotion of city managers); B. H. Crawford, Columbus, Ga., $8000; J. O. Wanzer, Marysville, Calif.; F. R. Harris, Escanaba, Mich., $6000. Two more assistant city manager appointments have been reported. H. G. Schutt, Bluefield, W. Va. and Walter Barber, Long Beach, Calif.

IV. MISCELLANEOUS

The Tribunal of Justice.—The Arbitration Society of America, organized to promote arbitration of disputes without recourse to a formal trial, has set up a Tribunal of Justice in New York which heard its first case last July. This case presented a complicated little partnership wrangle and was one of those disputes that might drag through the courts for years, piling up expense and engendering bitterness. But in this new court, before a well qualified arbitrator able to weigh and appraise the evidence presented by both sides, the misunderstanding seemed to melt away.

The outstanding feature of the trial was the way in which the procedure was stripped of the old embarrassment of legal technicality and red tape. The manner in which the facts were gleaned and the decision rendered was most gratifying.

No summons, complaint, answer, demurrer or other pleadings were required. The arbitration agreement set forth in five or six lines the point at issue, and both disputants proceeded to the improvised courtroom in the Lawyers' Club to present their testimony before Alexander Rose, an associate of Judge Moses H. Grossman, who was agreed upon as arbitrator.

Under the method adopted at the trial the taking of all the evidence in the case on both sides occupied one hour and fifteen minutes. Each party waived the taking of an oath by the other, and the mode of adducing testimony was to permit each of the parties to proceed in a conversational manner without being obstructed by technical objections or nonplussed by subtle cross-examination.

Full authority for the new Tribunal of Justice is found in the Arbitration Law of New York, amended in 1920. Stripped of its legal phraseology, this statute provides substantially as follows:

1. Excepting in a small class of specified actions, two or more persons can agree in writing to submit any actionable difference or controversy to arbitration, and such written agreement to arbitrate is binding and irrevocable.

2. An arbitrator may be any person selected by the parties, and such arbitrator is endowed by the statute with power to subpœna witnesses, compel production of books and papers material to the issue, and, in almost all essential respects, to exercise the same authority with which a judge is clothed in the conduct of a trial.

3. The award of an arbitrator, upon the application of either party to the proceeding, will be confirmed by the court and will then become, and will be enforcible, as a judgment of that court.

4. The award of an arbitrator is final and will be vacated by the court only if procured by fraud, corruption, misconduct or excess of authority by the arbitrator.

The Arbitration Society is conducting a campaign to have enacted a uniform arbitration law in every state.

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A Loan Slide Library.—The Buffalo Society of Natural Sciences, incorporated in 1863, is setting a 1922 example. It has established a visual education department where 35,000 lantern slides, arranged in some 700 lecture sets, are loaned, together with the text of the lecture and the lantern to members or those vouched for by members. Last year 354,599 slides were loaned. In the month of March alone 999 lecture sets were circulated or an average of 33 lectures every day including Sunday.

The catalogue of slides covers the art of all nations; biography, such as slides of Washington, Lincoln, Lowell, Shakespeare and others; history; cities of the United States; the United States possessions; scenic United States; literature, which visualizes famous books such as Sir Launfal, Ben Hur, Pilgrim's Progress, Evangeline, Ivanhoe and Hiawatha; Americanization; Buffalo city; juvenile slides illustrating children's stories; Biblical slides for churches; geographical slides of the United States and New York state; agriculture; foreign travel; natural history; commercial and industrial slides.

The travel lectures, as might be expected, are the most popular. The charming colored slides of the Grand Canyon and the Yellowstone are called for more often than any others, but the city planning slides prepared to aid in the popular understanding and appreciation of Buffalo's city plan, have been used on frequent occasions.

The Association for its museums, public lectures and visual education department receives annually a popular support in dues of some $20,000, interest from permanent invested funds of $6,500, from a revolving fund $5,500 and from the City of Buffalo itself $30,000, making an annual income slightly in excess of $60,000. This year the city has appropriated $40,000 for the Society.

The loans are made for 48 hours, Sundays and holidays not included, with a penalty of 25 cents a set of slides, one dollar for the lantern and one dollar for the manuscript for each day material is kept beyond this period.

HARLEAN JAMES.

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The Cost of Government, City of Detroit, is the subject of the July issue of *Public Business*, published by the Detroit Bureau of Governmental Research. It analyzes and compares sources of revenue, the object of appropriation and the purpose of appropriations. It also summarizes the budget showing items of fixed charges, operation and maintenance, capital costs and deficits.

The current year's budget is 3,500,000 dollars larger than last year, the assessed valuation is 100,000,000 dollars greater and the tax rate has increased 38 cents.

*

State Budget Systems is the title of a report just issued by the Research Bureau of the Pennsylvania State Chamber of Commerce. Pennsylvania remains one of the two states without a formal budget system. The report describes present financial methods in that state and outlines the budget systems of other states with a compilation of opinions as to their effectiveness.

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The Illinois Chamber of Commerce is conducting a referendum on the question of whether cities of more than 5,000 population should be free to adopt city manager government. Cities of less than 5,000 already have this privilege.

*

The Union of Canadian Municipalities held its twenty-second annual convention in Winnipeg, August 8 to 10. Municipal finance, hydro-electric systems, good roads and public health were the prominent subjects on the program. W. D. Lighthall, K. C., a vice-president of the N. M. L., was the organizer and for years the secretary-treasurer of the Union. The present secretary is A. S. Shibley, Montreal.

*

California Wants Executive Budget.—Lieutenant Governor Young of California is advocating an executive budget. He wants the governor to be responsible for the "financial picture" and is supporting the budget amendment to the constitution drawn by the Commonwealth Club of San Francisco.

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Richard B. Watrous has recently accepted the position of general secretary of the Providence (R. I.) Chamber of Commerce.

*

Buffalo Adopts City Plan.—In June the city council of Buffalo, by a vote of four to one, adopted the city plan which has been prepared. By a unanimous vote the Niagara Square site was chosen for the civic center.

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Palos Verdes a New Suburb.—Los Angeles is to have the most extensive piece of city planning ever undertaken by private enterprise for permanent development. 16,000 acres (25 square miles) including 14 miles of ocean front will be laid out by Olmsted Brothers, Mr. Cheney and others. A fund of $35,000,000 is being underwritten on a nation-wide plan.

*

Mariemont, a Garden City.—Dr. John Nolen announces the establishment of Mariemont in the Cincinnati district. The plan covers 365 acres. The community will be self-contained.